

*“We are still not yet out
of the woods in W.A.”:*

Western Australia and the
international tobacco industry



Julia Stafford, Laura Bond
and Mike Daube



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Monograph

Julia Stafford, Laura Bond and Mike Daube



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Health Research Campus
Curtin University of Technology
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Perth Western Australia 6845

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ACOSH

Australian Council on Smoking and Health

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Index of Abbreviations

ACOSH	Australian Council on Smoking and Health
AHA	Australian Hotels Association
AMA	Australian Medical Association
ARISE	Association for Research Into Substance Enjoyment
ASH	Action on Smoking and Health
AUD	Australian Dollars
BAT or BATCo	British American Tobacco Company
BIRC	Burswood International Resort Casino
COMPASS	Confederation of Major Participant and Spectator Sports
CORA	Consumer & Regulatory Affairs
EEC	European Economic Community
EJPH	European Journal of Public Health
ETS	Environmental Tobacco Smoke
FOREST	Freedom Organisation for the Right to Enjoy Smoking Tobacco
IAQ	Indoor air quality
ICOSI	International Committee on Smoking Issues
INFOTAB	International Tobacco Information Center
LWD	Lovell White Durrant
MCDS	Ministerial Council on Drug Strategy
MSA	Master Settlement Agreement
NMA	National Manufacturers Association
PAC	Poisons Advisory Committee
PM	Philip Morris
PMI	Philip Morris International
PML	Philip Morris (Australia) Limited
PM USA	Philip Morris Incorporated
QNP	Queensland National Party
SHB	Shook, Hardy & Bacon
SLF	State Licence Fee
TDC	Tobacco Documentation Center
TIA	Tobacco Institute of Australia
TMA	Tobacco Merchants Association
UK	United Kingdom
US	United States
USTI	US Tobacco Institute
WA	Western Australia
WAHA	Western Australian Hotels Association
WRA	Worldwide Regulatory Affairs, Division of Philip Morris

Index of Tobacco Industry Names and Roles

Table 1. Index of tobacco company representatives and their roles

Note. Many of the tobacco company representatives listed have held numerous positions in one or more tobacco company or affiliated organisations. As far as possible, the role presented in the table is the role the person was in at the time of the cited document/s that refer to them. The date range that the position was held is stated where possible. The information was gathered from the documents cited in text and the Legacy Tobacco Documents Library, University of California, San Francisco glossaries of names available from <http://legacy.library.ucsf.edu/glossaries/>

Name	Role
Alexander, Peter	Nov 1990: Head of Corporate Affairs, Rothmans of Pall Mall, Australia.
Apps, Michael	Nov 1990: Western Australian State Manager, Tobacco Institute of Australia.
Bacon, David	Nov 1990–1997 (approx): Head of Public Affairs/Corporate Affairs Department, British American Tobacco Company, UK. 1989–Nov 1990: Manager, Corporate Affairs, W.D & H.O Wills (Australia) Limited.
Berlind, Mark	Aug 1997–Aug 2000: Senior Assistant General Counsel, Worldwide Regulatory Affairs, Philip Morris Management Corporation, Rye Brook, New York, US.
Berryman, Ron	1985–1989 (approx): Executive Officer, WA branch of the Tobacco Institute of Australia.
Berson, Gary	Nov 1990: Solicitor, Robinson Cox.
Bible, Geoff	Jun 1994–Aug 2002: Chairman of the Board & Chief Executive Officer, Philip Morris Companies Inc. May 1994–Jun 1994: Vice Chairman, Worldwide Tobacco, Philip Morris Companies Inc. Apr 1993–May 1994: Executive Vice President, Worldwide Tobacco, Philip Morris Companies Inc. Apr 1991–Apr 1993: Executive Vice President, Philip Morris International. 1987–1990: Chief Executive Officer, Philip Morris International. Feb 1984–Apr 1987: Executive Vice President, Philip Morris International. May 1981–Feb 1984: Managing Director, Philip Morris (Australia) Limited. 1978–1981: Vice President, Philip Morris International.
Bloxidge, John	Chief Executive, INFOTAB (International Tobacco Information Centre).
Boyse, Sharon	1991–1993: Manager of Smoking Issues, Corporate Affairs Department, British American Tobacco Companies. 1986–1991: Senior Scientific Advisor, Research & Development Department, British American Tobacco Companies.



Name	Role
Bring, Murray H.	<p>Mar 1997–Jan 2000: Attorney, Vice Chairman, External Affairs and General Counsel, Board of Directors, Philip Morris.</p> <p>Dec 1994–Mar 1997: Executive Vice President of External Affairs and General Counsel, Philip Morris.</p> <p>Sep 1988: Elected to Board of Directors.</p> <p>Jul 1988–Dec 1994: Senior Vice President and General Counsel, Philip Morris.</p>
Carchman, Richard	Vice President, Worldwide Scientific Affairs, Philip Morris Incorporated.
Davies, David	Feb 1993: Vice President, Corporate Affairs, Australia, Philip Morris Companies Inc.
Dollisson, John	1983–1987: Chief Executive Officer, Tobacco Institute of Australia.
Francis, Philip	Director, Corporate Affairs, Philip Morris (Australia) Limited.
Friedman, Mark	Assistant General Counsel, Legal, Philip Morris Management Corporation.
Fuller, Craig	Jan 1992–Apr 1995: Senior Vice President, Corporate Affairs, Philip Morris Companies Inc.
Goldberg, Henry	Sep 1991–Jul 1998: Managing Director, Philip Morris International, Australia.
Goodheart, Jan	Sep 1993–Apr 1996: Manager, Worldwide Regulatory Affairs, Philip Morris Incorporated.
Holtzman, Alexander	Apr 1974–1989: Vice President & Associate General Counsel, Philip Morris Companies Inc.
Hunt, Blair	1987–1989: Chief Executive Officer, Tobacco Institute of Australia.
Keane, Denise	Jan 1998–Dec 2000: Senior Vice President and Associate General Counsel, Worldwide Regulatory Affairs, Philip Morris Management Corporation.
Macadam, Peter	1982: Chairman, British American Tobacco Industries.
Maxwell, Hamish	<p>1984–1991: Chairman and Chief Executive Officer, Philip Morris Companies Inc.</p> <p>1983: President and Chief Operating Officer, Philip Morris USA.</p>
McGrath, Michael	Public Affairs Manager, Philip Morris (Australia) Limited.
Miles, Michael	<p>Aug 1991–Jun 1994: Chairman and Chief Executive Officer, Philip Morris Incorporated.</p> <p>1988–Aug 1991: President and Chief Executive Officer, Kraft General Foods.</p>
Morgan, Jim	<p>1994–1997: President and Chief Executive Officer, Philip Morris Incorporated.</p> <p>1993–1994: Senior Vice President, Marketing, Philip Morris Incorporated.</p> <p>unknown–1993: Vice President, Corporate Marketing and Planning at Philip Morris Companies Inc.</p>
Mulcahy, Richard	1989–1990: Chief Executive Officer, Tobacco Institute of Australia.
Murray, William	<p>Jun 1994–1995: Chairman of the Board, Philip Morris Companies Inc.</p> <p>Apr 1991–May 1994: President and Chief Operating Officer, Philip Morris Companies Inc.</p>

Name	Role
Osdene, Thomas	Apr 1984–Aug 1989: Director of Science and Technology, Philip Morris Incorporated.
Pottorff, Mary	1996–1998: Director, Worldwide Regulatory Affairs, Philip Morris Management Corporation.
Prince, James	Jun 2000: Assistant General Counsel, Philip Morris Management Corporation.
Riordan, Martin	Manager of Corporate Affairs, W.D & H.O Wills (Australia) Limited.
Rylander, Ragnar	1972–1999+: Scientist and covert Philip Morris consultant.
Sheehy, Patrick	Oct 1982: Chairman, British American Tobacco Industries. 1981–Oct 1982: Vice Chairman and Chairman-designate, British American Tobacco Industries.
Smith, Owen	Jun 1987–Jul 1994: Associate General Counsel & Secretary, Philip Morris Management Corporation.
Snyder, Richard	Dec 1983–Jan 1990: Executive Vice President, Philip Morris International, Australia and Asia Regions.
Solana, Richard	Mar 2001: Vice President, Worldwide Scientific Affairs, Philip Morris Incorporated.
Sporton, Jack	Philip Morris (Australia) Limited, specific role held in 1983-1984 unknown.
Staunton, Donna	Nov 1993–Feb 1995: Chief Executive Officer, Tobacco Institute of Australia.
Steer, David	Nov 1990: State Manager, Philip Morris (Australia) Limited.
Wall, Charles	Jun 1990–Dec 1994: Vice President and Associate General Counsel, Corporate Legal Department, Philip Morris Companies Inc.
Wall, Ian	Nov 1990: Corporate Affairs Manager, Philip Morris (Australia) Limited.
Webb, William	From Aug 2002: Consultant to the Altria Group. Aug 2001–Aug 2002: Chief Operating Officer and Vice Chairman of the Board, Philip Morris Incorporated. March 1997–Aug 2002: Chief Operating Officer, Philip Morris Incorporated. Jun 1993–1996: President and Chief Executive Officer, Philip Morris International. 1990: President, Philip Morris Asia/Pacific. Nov 1987–Jun 1993: Executive Vice President, Philip Morris International (responsible for Australia and Asia). 1984–1987: Managing Director, Philip Morris (Australia) Limited.
Whist, Andrew	Jan 1981– Mar 1987: Vice President, Corporate Affairs, Philip Morris International.
White, Nerida	Corporate Communications Manager, Philip Morris (Australia) Limited.
Wilson, Brian T.	Attorney; Clayton Utz, Australian Counsel for Philip Morris and the Tobacco Institute.



Name	Role
Windholz, Eric	Sep 2000–Jan 2001: Attorney; Corporate Affairs, Philip Morris (Australia) Limited. Jan 1997–Sep 2000: Assistant General Counsel, Worldwide Regulatory Affairs, Philip Morris Management Corporation.
Winokur, Matt	Jul 1994–Dec 1994: Director, Corporate Scientific Affairs, Philip Morris Management Corporation. Aug 1993–Jun 1994: Director, European/Worldwide Regulatory Affairs, Philip Morris Incorporated. Mar 1991–Jul 1993: Director, Corporate Affairs, Philip Morris International.
Zahn, Leonard S.	Leonard Zahn & Associates, Inc., public relations company for the Council for Tobacco Research created by Philip Morris.

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Foreword

It would be hard to find somewhere more remote from the centre of the international tobacco industry than Western Australia. The international tobacco companies active in Australia are controlled from North America and the United Kingdom. One might assume that a state with some two million inhabitants in a sparsely populated country would barely appear on the radar of the tobacco industry's global leaders.

Western Australia has, however, also been at the forefront of tobacco control action in Australia and internationally, especially since the first major efforts to ban tobacco advertising in the early 1980s. The State has benefited over the years from strong coalitions - of health organisations, between health groups and others concerned for the public health, inside government, and between governments and non-government organisations. Action has been incremental, with important developments occurring under governments of either political persuasion.

Since millions of tobacco industry documents became available online following the Master Settlement Agreement of 1998, a substantial literature has enabled tobacco control advocates and others to learn much about the tobacco industry and its operations. Many of the deepest secrets of the industry have been laid bare. We are now vastly better informed about tobacco industry concerns, strategies and tactics. We have learned that almost all the suspicions we had about the industry's cynicism and ruthless approach were justified. We know what they knew and how they tried to deny or cover up both the dangers of smoking and the truth about their own activities. Analyses of tobacco industry internal documents show that their interests and activities have ranged from health matters to industry involvement in areas such as smuggling.

Despite this cornucopia of information, the major focus of document-based research and publications has inevitably been on the United States and other countries where the industry is either located or has been seen as focussing its interests. It is, however, clear that this is a global industry with global concerns, and that its financial well-being rests on the profitability of operations around the world.

The WA Tobacco Document Searching Program was established with support from Healthway, the Health Promotion Foundation of Western Australia, to research and identify tobacco industry documents as they apply particularly to Western Australia. The Program has identified a wide range of issues and concerns that have enabled us to learn much more about the way the industry works in Australia as well as elsewhere.

This monograph focuses very specifically on the way in which Western Australia is perceived by the international tobacco industry. It is clear that Western Australia was not simply a remote part of the empire.

Tobacco company executives at the most senior levels were kept fully and regularly informed about developments in Western Australia, not just in their head offices in Australia but in New York and London.

They received regular updates, and were kept posted, often in fine detail, about developments in relation to policies, governmental actions, media, health organisations and even individuals.

They took a close interest not only in developments within the State, but in Western Australia's influence on national agendas, for example through the Australian Health Ministers' Council and the Ministerial Council on Drug Strategy.

The tobacco companies were interested in high-profile developments – such as attempts to ban tobacco advertising and sponsorship or the Burswood Casino case (see monograph section on the Burswood International Resort Casino for details of the case), but also in developments that might have seemed of minor import, such as the listing of cancer as a notifiable disease. The industry carefully monitored not only political developments, but events and activities across the health arena.



Some of the comments and events reported to the industry's global leaders might be equally well placed in a comedy program, for example the 1980s comments of the Western Australian Tobacco Institute Executive Officer Ron Berryman, that, "Irrespective of how many children take up smoking in a year, no one is immortal – everyone dies sooner or later", and, in response to the allegation that cigarettes are a cause of cancer, "So are potatoes. Tobacco is in the same family. You inhale the fumes of potatoes when you are cooking them".

But other aspects of the industry's activities border on the sinister. As this report documents, Professor Ragnar Rylander, from the University of Gothenburg in Sweden, who both spent a sabbatical month at The University of Western Australia in 1988, and was viewed in good faith by Western Australian scientists as a respected colleague, was essentially a tobacco industry spy, with a generously-funded consultancy, sending back secret reports to the Philip Morris company in New York on tobacco control developments within Western Australia.

This monograph provides a record of the international tobacco industry's interests in Western Australia over more than three decades. From it we learn much more than simply what the industry did and where its concerns lay. We learn about past strategies and more current concerns, about the tactics adopted by the industry, and about tobacco control measures most likely to cause concern to the major companies as having potential for real impact on smoking in both adults and children.

I would like to thank Julia Stafford, who worked long and hard to seek out the relevant documents, ensuring that we have access to important information about Western Australia, presented in a readable and informative manner.

We can learn much from the past, but the information in this monograph will also help us to plan for more effective control strategies in the future. We have also learned that the decisions taken about tobacco company activities in Western Australia are not made here: they are made in New York and London. We must therefore ensure that as well as pressing for effective action within this state and nationally, we keep a very close watch on what the tobacco companies do in the countries where they are based. They are certainly keeping watch on us.

Mike Daube

Professor of Health Policy, Curtin University of Technology

1.0 Introduction

The purposes of this monograph are to document the nature and extent of information international tobacco companies retained regarding Western Australia (WA), and to develop an understanding of why the international tobacco companies have been interested specifically in WA. This information can be used to inform tobacco control strategies and the work of organisations concerned with reducing smoking and countering the activities of the tobacco industry.

Preliminary searches of the online tobacco industry document archives available due to United States (US) litigation and the 1998 Master Settlement Agreement (MSA) uncovered a wide range of international tobacco company documents, particularly from the US, which referred to WA. The WA-specific content of these documents indicates that US and other international tobacco companies and executives have maintained a high level of interest in WA, particularly at times when action that might have threatened their interests was under consideration.

WA has been and continues to be home to numerous champions of public health who have historically contributed to WA being one of the leading states in terms of public health initiatives.¹ Vocal public health and tobacco control advocates inside and outside government have devoted significant time and energy to maintaining the visibility of tobacco control on government agendas and raising awareness of the dangers of smoking in the community, as well as playing a significant role in tobacco control developments nationally and internationally. WA Health Ministers and Premiers have at times also championed tobacco control.

Tobacco control advocates face similar challenges to others tackling alcohol, obesity or other issues which bring them into conflict with powerful industries with vested interests that do not always support health objectives. The related industry's financial resources are often far weightier than those of the health organisations calling for change in the interest of public health.

The budget allocations for tobacco control and prevention by the WA government and health organisations active in WA are vastly outweighed by the funds available to the tobacco companies to counteract tobacco control initiatives. However, as has been shown with the success of the reduction in smoking prevalence in Australia, with the exception of the Indigenous Australian population whose smoking prevalence has remained relatively unchanged,² the amount of money dedicated to addressing a social or health issue need not limit the impact of work in that area. Tobacco control advocacy and legislation have proven successful in WA to the extent that the major tobacco companies have felt threatened by individuals and organisations in WA which are modestly-funded yet wield strong and energetic advocacy resources.

Over the last four decades, significant tobacco control initiatives have been introduced in WA at the state level or as part of national moves; and each can be expected to have been the target of considerable opposition by the tobacco industry and their allies. These include^{3, 4}:

- Substantial tax increases on cigarettes
- Removal of the distribution of free cigarette samples and competitions involving cigarettes
- Tougher penalties for selling cigarettes to minors
- Licensing of tobacco retailers
- Restrictions on point of sale marketing
- Ban on tobacco company advertising and sponsorship
- Establishment of the WA Health Promotion Foundation (Healthway)
- Legislation introduced to ban smoking in enclosed public places
- Incremental restrictions on smoking in the Burswood International Resort Casino (BIRC)
- Implementation of smoke-free clubs and pubs



- Public education campaigns
- Mandated health warnings on cigarette packets
- Labelling donations from the tobacco industry as unethical and socially undesirable

Legislation in recent years shows that WA governments have been willing to act, with continuing public support, so as to further regulate tobacco promotion, sales and smoking in the presence of others.⁵ The WA government's commitment to tobacco control has been recognised over time by the Australian Medical Association (AMA) and the Australian Council on Smoking and Health (ACOSH) through its high ratings in National Tobacco Scoreboards.⁶ ⁸ WA has been rated as having the most effective tobacco control initiatives over several of the years in which the Scoreboard has been in existence.

It is not argued that WA was ever the international tobacco industry's biggest or only threat, or the only region to be home to vocal and persistent tobacco control advocates. However, the internal industry documents reflect that WA was, and continues to be, a concerning market for the tobacco industry. It can be expected that companies will monitor product sales and issues potentially impacting sales in all areas they are sold. Therefore, it is not surprising in itself that information is held on WA. The interest of the study relates to the nature and extent of the information (i.e., what issues are discussed), how much information (i.e., level of detail), and the people involved (i.e., which tobacco company representatives and specific WA people are mentioned).

Local cigarette manufacturers and distributors are members of transnational corporate families.⁹ In 1954, Philip Morris (Australia) Limited (PML) was established as Philip Morris's (PM) first major affiliate outside the US¹⁰ and was overseen by Philip Morris International (PMI).⁹ W.D. & H.O. Wills (Wills Australia) was the Australian subsidiary of the British American Tobacco (BAT) Group.⁹ R.J. Reynolds distributed tobacco products in Australia. Rothmans of Pall Mall also operate in Australia; however, few industry documents are available from R.J. Reynolds because it was not involved in the US MSA.⁹

Numerous organisations have existed over the years with the purpose of gathering intelligence on regional issues for use by international tobacco companies. The International Committee on Smoking Issues (ICOSI) was established in the late 1970s and renamed INFOTAB (the English version of the full title is International Tobacco Information Center) in 1981.^{11,12} The close of INFOTAB in 1990-91 saw Shook, Hardy & Bacon (SHB), a law firm which represented tobacco companies, take over INFOTAB's former role of distributing detailed summaries of worldwide issues.¹¹ The media monitoring role of SHB coincided with the increasing legal involvement of SHB in tobacco industry matters during the 1990s.¹¹ The Tobacco Documentation Center (TDC) later took over the role of INFOTAB.¹³

Affiliates and front groups for the tobacco industry have existed in Australia for decades. The Tobacco Institute of Australia (TIA) was established in Sydney in 1978 as a National Manufacturers Association (NMA) to represent joint industry interests.¹¹ The TIA provided a link between local and international companies and was significantly supported by INFOTAB, the US Tobacco Institute (USTI) and later by SHB.¹¹ The information sent by these organisations ensured the Australian industry was kept up to date on research, policy, litigation and global industry issues.¹¹ Australian companies closely involved with the TIA acted as a medium for the further dissemination of this information.¹¹ The TIA actively sought people holding views inline with the tobacco industry's public positions to further their strategy of perpetuating deception on smoking issues.¹¹ This role of the TIA was supported by their global informants including the USTI and INFOTAB.¹¹

The WA Executive Officer of the TIA in the 1980s was Ron Berryman. During this period Berryman became the Australian-based tobacco industry spokesperson most often quoted in WA media activities which were monitored internationally. Berryman features in the tobacco industry documents available in the online archives with comments such as:

- Berryman, representing the TIA, was quoted in an article in *The West Australian* on 26 January 1985 as saying, "WA's laws controlling tobacco sales to minors are totally inadequate".¹⁴

- In an 'Infotopics' report summarising an article from The West Australian on 15 January 1987, Berryman questioned the results of a survey commissioned by ACOSH regarding the health risk of environmental tobacco smoke (ETS) to non-smokers, saying that the results "frighten non-smokers into believing their health was at risk".¹⁵
- In 1989 Berryman said, "irrespective of how many children take up smoking in a year, no-one's immortal - everyone dies sooner or later".¹⁶
- In response to the allegation that cigarettes are a cause of cancer, in 1989 Berryman said: "So are potatoes. Tobacco is in the same family. You inhale the fumes of potatoes when you're cooking them".¹⁶



2.0 Method

Results for this study were obtained by searching tobacco industry document archives available online as a requirement of the 1998 MSA. A systematic search of the documents was conducted in accordance with established guidelines.^{17, 18} Primary keywords were entered into the document search engines and included 'Western Australia', 'Perth', names of people involved in health or government in WA (for example, Health Minister Graham Kierath) and names of WA health organisations (for example, Australian Council on Smoking and Health, Cancer Council WA, National Heart Foundation). Secondary searches were conducted to clarify or expand on information contained in documents retrieved in the primary search and to find attachments to retrieved documents. Other information sources including journal articles, Hansard Parliamentary Debates and published reports were consulted to clarify and confirm information contained in the tobacco industry documents and to document key achievements in tobacco control. The key tobacco industry document archives used in this study include: Legacy Tobacco Documents Library, the Philip Morris Document Site and the British American Tobacco Documents Archive.

Document searching was carried out between January and November 2008. Documents were selected if they referred specifically to WA and there was reason to believe the document had been viewed by international tobacco company representatives (e.g., international author, recipient, fax mark, document stamped with international office stamp). Documents referring to Australia in a general sense were most often not selected for inclusion in the study, unless they contained information specific to WA or clarified information contained in other documents. In all, 267 documents were identified as being relevant for this study and have been included in the monograph. Retrieved documents were grouped into themes and chronologically ordered. Key themes and issues relating to WA were identified (e.g., health warnings, tax increases, proposed legislation). Information associated with the BIRC case was taken from a previous study conducted by the authors [*Bond, Stafford & Daube in preparation*].

3.0 Results

Tobacco document research is limited to the industry documents made available through the document discovery process specified in the MSA.^{17, 18} Access to the documents is further limited to the documents loaded onto the online document archives. Many of the major transnational tobacco companies were required by the MSA to make their internal documents publicly available. These included Philip Morris Incorporated (PM USA), BAT, R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company, and the American Tobacco Company.¹⁷ Not all of the tobacco companies were involved in the MSA, for example Imperial Tobacco.

3.1 Tobacco Industry Monitoring of Western Australia

The tobacco industry document archives contain thousands of documents that indicate the tobacco companies monitored WA in relation to a wide range of tobacco issues. The range of media monitoring services the tobacco companies accessed in order to keep informed about issues potentially affecting the sale and consumption of tobacco in WA can be identified in the documents.

Specific departments of the tobacco companies themselves were responsible for media monitoring; for example, the Consumer and Regulatory Affairs (CORA) departments of Wills Australia and BAT produced 'BATCo Press Cuttings'¹⁹ and the 'Worldwide Regulatory Affairs' (WRA) department of PM.²⁰

The media monitoring services and publications noted in this section were retrieved from the document archives in searches relating to WA. Other services not mentioned here may also have been used by the tobacco industry; however, they were beyond the scope of this study.

3.1.1 Australian Media Monitoring Services

Australian-based media monitoring services were contracted by the tobacco industry to produce reports focussing specifically on Australian media. The Australian-based media monitoring reports were not necessarily sent to the international tobacco industry; however, they do represent the industry's use of media monitoring services covering WA.

Tobacco companies received media monitoring reports from NJP News Express, the media monitoring service of company Neville Jeffress/Pidler Pty Ltd.²¹ Media monitoring reports from NJP News Express covered litigation involving tobacco companies.²² NJP News Express later changed its name to Media Monitors Australia²³ and continued to provide media monitoring services under the new name.²⁴ Press clippings distributed by Media Monitors included articles tracking the media campaigning and passage of the 1983 Bill to ban tobacco advertising and sponsorship.^{25, 26}

Croll Communications Pty Ltd produced the radio monitoring publication 'Croll's Monitoring Australia'.²⁷ Croll's monitoring role included distributing the transcript of a radio interview regarding listing nicotine as a poison.²⁸

Rehame Australia Monitoring Services Pty Ltd produced the monitoring report 'Newlines'²⁹ and media transcripts³⁰ until Rehame was acquired by Media Monitors in 2006.³¹ Rehame 'Newlines' publications retrieved from the document archives were addressed to Reg Hodgson, Corporate Affairs Manager PML²⁹ and Donina Asera of PML.³²

Other media monitoring publications retrieved from the document archives include a 'Monitoring Report' produced by 'Monitoring Perth Media' in September 1984 which summarised news reports that the visiting director of Action on Smoking and Health (ASH) Scotland questioned a survey showing the WA public supported tobacco advertising.³³ A 1984 transcript of Perth Channel 7 interview ('State Affair') between Howard Sattler, Peter Taylor (BBC journalist and author) and Duncan Fairweather (spokesman for AMATIL) is held on the archives.³⁴



The TIA and later the Tobacco Information Centre Inc produced the 'Australian Issues Media Surveillance' and 'Australian Issues Media Summary' which provided "a daily Australia-wide summary of major issues relevant to the tobacco industry".³⁵ These reports retrieved between August 1998 and January 2000 covered media reports on measures to prevent youth smoking,³⁵ the loosening of indoor smoking restrictions³⁶ and the plan to introduce graphic health warnings on cigarette packs.³⁷

3.1.2 International Media Monitoring Services

Law firms contracted by the tobacco industry also produced comprehensive media monitoring bulletins for their clients. SHB's comprehensive publications were titled 'Current Regulatory Developments Report' and were distributed to the TIA and tobacco companies fortnightly.^{38,39} Similarly, another tobacco industry law firm, Lovell White Durrant (LWD) based in London, produced the 'Tobacco Bulletin' updating the industry on tobacco-related news events around the world.⁴⁰

International organisations affiliated with the tobacco industry further played a significant role in distributing detailed summaries of international media to tobacco companies. The Tobacco Merchants Association (TMA) produced an 'Executive Summary' and 'World Alert' on tobacco related issues. Campbell-Johnson Limited, a British public affairs firm contracted by BAT,⁴¹ compiled a "daily synopsis of press, radio and television coverage".⁴²

INFOTAB, and then the TDC, produced and distributed the monthly media monitoring publication 'Infotopics' to the TIA and tobacco companies. 'Infotopics' presented abstracts of publicly available information.^{12,43} Other TDC media summary publications included 'INFOGRAM' which reported on "programmes of strategies furthering the industries objectives or forestalling anti-smoking actions";¹² 'Fiscal Bulletin';⁴⁴ 'TDC Newsround';⁴⁵ 'Smoking Issues Status Book'⁴⁶ and the 'TDC News Database' (see Figure 1).⁴⁷


The monitoring services were distributed as often as daily and weekly and were compiled using information available in the public domain (e.g., newspapers, press releases, radio).⁴³ Press clippings referring to WA were primarily taken from *The West Australian* newspaper, supplemented by *The Australian* newspaper, *The Sunday Times* and *The Daily News* (until it ceased publication in 1990). These newspapers provided the tobacco industry with a source from which to identify topical issues relevant to WA. International newspaper articles reporting on WA issues and events, for example from the *Daily Telegraph* (UK), were also included in media monitoring reports.⁴² The frequency of distribution and range of media monitoring services feeding this information to the tobacco companies points to the importance of these resources.

Topics and issues relating to WA covered in the media monitoring include:

- Tobacco product advertising and sponsorship bans⁴²
- Healthway, the Western Australian Health Promotion Foundation^{48,49}
- Health warnings and pack labelling³⁷
- Indoor smoking restrictions⁵⁰
- Listing nicotine as a poison⁵¹
- Litigation against the tobacco industry (e.g., BIRC case)⁵²
- Public Education campaigns¹⁹
- WA health organisations³⁶

Figure 1. Example of media monitoring bulletin⁴⁵

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TDC NEWSROUND

Bulletin of regulatory & media issues 27 March 1997

TDC's offices will be closed for Easter holidays from Friday, 28 March through Monday, 31 March.

Regulations

Congressman wants larger and more blunt warning labels

USA – Massachusetts Representative Marty Meehan intends to introduce a bill to require cigarette warning labels that read "Cigarettes kill" and "Cigarettes contain nicotine, an addictive drug". His proposal follows last week's decision by Liggett to settle 22 lawsuits, in part by adding warning labels that say smoking is "addictive" and causes cancer.
AP (23 March 1997) Ref. 032037

Issues

Spanish report examines tobacco and advertising

Spain – *El Tabaco y la Publicidad* [Tobacco and advertising] is a study carried out on behalf of the Spanish Advertising Association. It looks at the role of advertising and examines case studies on the freedom of commercial expression in Canada, Europe, Spain and the United States. It then goes on to discuss limitations and prohibitions on tobacco advertising in terms of EU legislation and Spanish legislation at different levels of government, as well as self-regulation. The economic effects of a tobacco advertising ban on advertisers' revenue, jobs, cultural and sporting activities and state revenues are examined, and the study concludes with a summary of the negative effects of such a ban.
Asociación Española de Agencias de Publicidad (October 1996) 95 pp. Ref. IB5023

Smoking among junior and senior school students in Japan

Japan – A survey of Japanese students reports that the smoking rate among seventh graders (ages 12-13) was 4.0% for boys and 1.5% for girls, rising to 25.5% for boys and 4.9% for girls in the 12th grade (ages 17-18). Most current smokers were said to buy their cigarettes from cigarette vending machines or tobacconist shops, according to authors Osaki and Minowa of the Institute of Public Health in Tokyo. The authors examined data on 57,189 junior and senior high school students.
Journal of Adolescent Health (January 1996) 18(1) pp. 59-65 Ref. 032032

Malaysian Medical Association calls for review of tobacco advertising

Malaysia – The Malaysian Medical Association (MMA) has reportedly called on the government to ban tobacco advertising at point-of-sale and to withdraw tobacco-company sponsorship of major sporting events. The MMA has also reportedly called for restrictions on so-called 'indirect' advertising for non-tobacco products and for the strict enforcement of the country's public smoking ban. According to Malaysia's Information Minister, Mohamed Rahmat, however, the government is unable to act on 'indirect' advertising for fear of violating World Trade Organization rules.
New Straits Times (25 March 1997) p. 15 Ref. NW22

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AMA urges lawsuits against tobacco industry

Australia – In the wake of the Liggett settlement in the US, the Australian Medical Association (AMA) has reportedly called on federal and state governments to sue Australian tobacco companies in a bid to recover the alleged health care costs of smoking. Responses from ministers were said to be muted, although West Australian Health Minister Kevin Prince reportedly called on tobacco companies to "make a substantial allocation" of money for a public education programme on the alleged health effects of smoking.

The Weekend Australian (22 March 1997) pp. 1,2 Ref. 032036

UK Tobacco Industry Issues Review 1997

United Kingdom – The Tobacco Manufacturers' Association in the UK has published its industry issues review for 1997. The review covers the economic importance of the tobacco industry to the UK economy in terms of taxation; employment and foreign trade; the UK tobacco market; tobacco taxation; employment; tobacco advertising; voluntary agreements; sports sponsorship; environmental tobacco smoke and smoking in public places; and children and smoking.

Tobacco Manufacturers' Association (1997) 16 pp. Ref. IA2050

UK survey on cancer

United Kingdom – Nearly 50% of people over the age of 55 do not associate smoking with cancer, and seven out of eight do not know the damage that sunbathing can cause, according to a survey reported in two UK newspapers. Although nearly 25% admit knowing at least 10 people who have suffered some form of cancer, almost half think they are unlikely to develop the disease themselves, the survey further claimed. Another reported finding was that 46% of people aged over 55 named smoking as a cause of cancer, while this proportion rose to 66% among those aged 15 to 24. The survey of 1,000 people was carried out by NOP for the Macmillan Cancer Relief Charity.

The Guardian (25 March 1997) p. 7 Ref. 032038

Italian newspaper analyses women and smoking

Italy – A supplement in Italian newspaper *La Repubblica* examines why women smoke and says that smoking is now viewed as a pleasure in itself "that is hard to give up", rather than as an "instrument of seduction". The article quotes Maria Luisa Battaglia, the executive director of the Observatory on Tobacco in the province of Varese, as saying that the percentage of women who smoke in Italy has risen to 17.4% from 16% since 1980, while the smoking rate among men has fallen to 37% from 54%. Almost one in three women smokers have completed higher education. Battaglia was reported as saying. The article claims that smoking among women appears to be a way to relieve stress and to assert their identity.

La Repubblica [supplement] (19 March 1997) [Italian] Ref. NW23

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3.1.3 Reasons for Media Monitoring

Local media monitoring would have been carried out for several reasons. Media monitoring enabled the identification of tobacco industry allies and sympathetic journalists.¹¹ As one example, the industry document archives hold an article by journalist Len Findlay in *The West Australian* sympathetic to the tobacco industry (28 September 1993).⁵³ The article reported on the group of European academics known as ARISE, the Association for Research Into Substance Enjoyment. Findlay attacks the “wowers...who want to live our lives for us” and writes “If some people want to smoke their way to their own heaven or hell, that is their responsibility”.⁵³ Articles such as Findlay’s are seen as assisting in creating the ‘balance’ of views in public media the tobacco industry encourage.⁵⁴

The monitoring of WA media is part of global monitoring processes and day-to-day standard tobacco industry activities in major markets. Significant resources are invested in monitoring activities because the companies need to be aware of issues as they arise or are likely to arise in order to be ahead of the game internationally. It is fundamentally important for tobacco companies to keep close tabs on world issues and be alert to any trends that impact on the tobacco industry as these have the potential to spread within a country and across the world (domino effect). The transnational nature of the major tobacco companies requires a comprehensive monitoring system to keep informed about developments anywhere in the world in order to respond as necessary for the tobacco business to continue to grow. Individual tobacco companies need to protect their own interests, as well as the interests of the industry as a whole. The tobacco industry are also interested in specific issues likely to impact on their industry (e.g., advertising bans). Tobacco companies also need to keep informed about the activities and ideas being discussed by individuals working in tobacco control to enable tobacco companies to prepare and respond in line with their interests.

Internal tobacco company strategic plans provide an insight into their use of media monitoring in their own words. A PM strategic plan from December 1996 coordinated between PM USA, PMI, WRA, Corporate Affairs and Worldwide Operations and Technology provides the company’s worldwide objectives and strategies for ensuring accommodation policies for smokers in various facilities rather than smoke-free regulations.⁵⁵ The first objective of the plan was to “Ensure reasonable and rational outcomes of regulatory and quasi-regulatory initiatives”. The strategies outlined to achieve this suggest reasons behind tobacco industry media monitoring regarding one specific issue, ETS⁵⁵:

- “Address proposed regulatory and scientific initiatives”
- “Identify and address emerging regulatory initiatives”
- “Contribute to the debate on ETS and related scientific issues”
- “Identify and respond to new publications and scientific developments”
- “Identify emerging claims and contribute to the development of response strategies”
- “Participate in industry-wide scientific initiatives as appropriate to ensure coordination and efficient use of resources”

The plan outlined PM’s aim to “Communicate our views, putting the issue into perspective with opinion leaders and the public and positioning PM as a reasonable partner in the decision-making process” [Bates: 2065562306-2391].⁵⁵ The media are a significant resource through which the tobacco industry is made aware of “proposed” or “emerging” initiatives and “new publications and scientific developments”.⁵⁵ A comprehensive understanding of media coverage of tobacco issues would also assist the tobacco industry to publicly contribute to the tobacco issue debate.

A research proposal published in September 1998 by the CORA function of Wills Australia provides further insight into the tobacco industry’s interest in media monitoring.⁵⁶ The ‘Issues Tracking Study’ had the objective of assessing widely held community attitudes toward smoking, tobacco companies and tobacco industry regulation. The study aimed to establish the extent to which public opinion was influenced by media coverage of tobacco industry issues.⁵⁶ The study proposed to identify issues which received extensive media coverage at a national or state level and use survey data to determine whether a corresponding shift in public opinion could be detected.



While not itself an international tobacco industry document, this research proposal illustrates an intended use for Australian media monitoring, the results of which would be of interest to international industry executives.

3.1.4 Tobacco Industry Documents Referring to WA

A range of documents relating to WA have been retrieved from the industry archives. It is significant to note the different types of documents and the issues covered in each. Table 2 outlines the types of industry documents and the issues covered in documents retrieved which refer to WA. As a cautionary note, the retrieved documents are likely to be only a sample of all the industry documents relating to WA which have ever existed. The documents outlined in the table are subject to the limitations of the study outlined in this report and they may not all be international documents (particularly the Australian-based media monitoring summaries and the tobacco control publications).

In tobacco document research, some of the most interesting insights into the tobacco industry can be found in memos and letters sent between tobacco industry representatives. Internal tobacco industry documents such as these would never have been available to tobacco control researchers had it not been for the MSA. For the current study, a significant number of inter-office memos from PML are available and offer an interesting insight into the company's interest in WA.



Table 2. Issues covered in international tobacco industry documents referring to WA

Type of document	Issues covered
International media monitoring summaries*	<ul style="list-style-type: none"> • Cancer as a notifiable disease • Tobacco advertising and sponsorship and proposed bans • Sports sponsorship • Government anti-smoking campaign • WA research on youth smoking • Generic packaging • Nicotine poisons listing • Litigation involving tobacco industry or violations of smoke-free regulations • Recovery of health care costs • Workplace smoking regulations • AHA views on ETS and smoke-free public places • BIRC smoking regulations and staff testing of ETS exposure • Smoke-free regulations • AMA tobacco scoreboard • Smoker demographics • Political monitoring • Political donations from tobacco companies • Outdoor smoking restrictions • Smoking in cars with children • Planned tobacco control initiatives • Graphic health warnings • Quit campaign • WAHA links with the tobacco industry • Cigarette ingredients disclosure • Air quality testing and ETS • Proposed cigarette vending machine ban • Smokers' rights campaign
Australian-based media monitoring summaries**	<ul style="list-style-type: none"> • Litigation involving tobacco companies • Nicotine poisons listing



<p>Interoffice memos or correspondence</p>	<ul style="list-style-type: none"> • Campaign against an increase to taxation on tobacco products • Legislation to ban advertising and sponsorship (including progress through parliament) • Campaign against State Licence Fee increase • Government anti-smoking campaigns • Product sales • Australian cigarette market research • Political monitoring • Tobacco industry funded research • Health warning label regulations • WA Department of Health public education campaign • Heart Foundation of WA youth smoking prevention program • WA tobacco control legislation • Nicotine poisons listing • Ragnar Rylander's PM consultancy activities • WA ETS Taskforce • ACOSH 10-point plan^{1*} • Tobacco control conference speakers • Smoke-free regulations • Minors' access to cigarettes • Health warnings on movies featuring smoking
<p>Newspaper articles and editorials</p>	<ul style="list-style-type: none"> • Advertising and sponsorship ban • Sports sponsorship • ARISE • Generic packaging • AHA views on ETS and smoke-free public places • Tobacco document destruction • 'Light' and 'mild' cigarettes
<p>Letters</p>	<ul style="list-style-type: none"> • Health warning label regulations • Public education campaigns by the WA Department of Health • ETS and smoke-free public places • Ragnar Rylander's connection to PM • Tobacco Institute of Australia's feature in the Australian Women's Weekly magazine

Reports	<ul style="list-style-type: none"> • Advertising and sponsorship ban • Political monitoring • Youth smoking prevention • Ragnar Rylander's trip reports • Anti-smoking legislation • Nicotine poisons listing • Research on children's attitudes to cigarette advertising by the Heart Foundation of WA and the University of WA • ETS/accommodation policies
Strategic plans	<ul style="list-style-type: none"> • PM company activities
Tobacco control publications***	<ul style="list-style-type: none"> • Advertising and youth • 7th World Conference on Tobacco and Health • AMA public education campaign regarding passive smoking • Health warning label regulations • Quit campaign • Litigation • Tobacco industry activities • Sports sponsorship • Nicotine poisons listing • Passive smoking summit • British Medical Journal paper on advertising ban legislation
Other ****	<ul style="list-style-type: none"> • Public education campaigns

* Including TDC publications (INFOGRAM), SHB and LWD publications, Campbell-Johnson Limited, BAT Tobacco Bulletin.

** Including NJP News Express, Croll's Monitoring Australia, Rehome publications, Media monitors, and Tobacco Information Centre Inc publications.

*** Including conference papers, health organisation newsletters (e.g., ACOSH) and media releases.

**** Including magazine articles.



3.2 The Beginning of Big Tobacco's Interest in WA

Arranging the tobacco industry documents into chronological order allowed issue-specific groupings to emerge from the available industry documents referring to WA. The groupings reflect the heightened media coverage and industry interest in tobacco issues present in WA at various times. The number of documents available allows researchers to piece together a reasonably comprehensive history of tobacco control in WA and uncover a unique insight into the tobacco industry's response to individuals, organisations and initiatives concerned about smoking-caused harm in the WA population.

One of the earliest media monitoring references to WA identified in the industry documents was a copy of a *Globe Magazine* article from July 1957 titled "The Smoking Habit: International Enigma".⁵⁷ The article is a compilation of reports of "smoking habits and practices" from various countries including Australia. The report outlined a recent recommendation made by the Australian National Health and Medical Research Council to Australian governments calling for a public anti-smoking campaign. The report stated, "So far, however, only Western Australia has taken the warning seriously. There the heads of the public health department publicly renounced smoking as the state government launched a poster campaign proclaiming: 'If you smoke - cut down; if you haven't taken it up yet - don't.'" At the time in Western Australia, Dr. Linley Hensell was Commissioner of Public Health (1950-1962) and Emil Nulsen was Health Minister (1953-1958) under the Albert Hawke Labor government.⁵⁸ While the 1957 campaign bears little comparison with those of today, the move showed that WA decision makers were prepared to act on the evidence of health risks which was starting to build at the time, perhaps in advance of their Eastern States counterparts.

More frequent references to WA appeared during the 1970s, including a collection of newspaper clippings held in the PM archives from March 1975 editions of *The West Australian*, *Weekend News* and the *Sunday Times*.⁵⁹ The articles reported on the initiative of the Community Recreation Council of WA to boycott sporting events that were financially supported by tobacco companies.⁵⁹ These articles present early evidence of the movement in WA to end tobacco industry sponsorship of sporting events; a theme which would be a focus of tobacco industry monitoring of WA over the decades to follow.

The PML Five Year Management Plan 1977-1981 provides a detailed overview of PML's strengths, threats and opportunities in the Australian cigarette market.⁶⁰ The distribution list indicates the 187 page plan was sent to PMI executives based in the New York office including Hamish Maxwell (Executive Vice President 1975-1977 and Board of Directors 1974-1991, PM USA). The plan was published soon after WA introduced State Licence Fees (SLF) on 1 January 1976, following similar legislation in other states. The PML plan provides evidence that the combined efforts of Australia's tobacco control forces were being felt by the industry and were being monitored closely. With reference to Australia, the report reads, "The anti-smoking lobby continued to command extensive media coverage. There is continuing controversy over the involvement of cigarette companies in sporting promotions, and moves to ban smoking in public places are obtaining increased publicity".⁶⁰ Regarding taxes on tobacco products, the plan asserts: "Naturally all efforts must be made to encourage Governments to restrain their taxation of the industry".⁶⁰ Under the title 'Smoking and Health: Problem', the extension of health warning requirements, restrictions on smoking in public places and foreseeable restrictions on use of media for advertising in Australia are outlined.⁶⁰

PML's planned response to these pressures was to:

"...prevent the anti-smoking lobby making further inroads in this direction. In this regard the Australian industry has formed the most united and concerted force of any comparable Western Nation and have, under the circumstances, been quite successful in delaying the inevitable restrictions on the industry's marketing practices".⁶⁰

The plan featured an analysis of PM product sales from which the company drew the conclusion: "There is an historic problem in the imbalance of Company sales by state. Great potential is evident in New South Wales, Queensland and Western Australia".⁶⁰ An objective of the PM Sales Department for the year was "To maintain the optimum Community Relations field force".⁶⁰ This included creating a new position for a representative in WA "due to increased promotional activity".⁶⁰

Tobacco industry attention focussed on WA when Perth hosted the 7th World Conference on Smoking and Health in 1990. The ideas and activities of WA, Australian and international tobacco control researchers and activists were closely monitored by the tobacco industry despite tobacco company representatives being specifically excluded from the conference. Industry interest in the conference is discussed further in the section on Health Organisations.

3.3 Regulation and Legislation

3.3.1 Cancer Listed as a Notifiable Disease

The reporting of new cases of cancer to the WA Department of Health has been a legal requirement under the Health Act since 1981.⁶¹ On 14 August 1981 PM received notification from 'Corporate Affairs Weekly Summary' that as of 1 August that year, cancer was to be listed as a notifiable disease in WA.⁶² Pathologists and radiation oncologists were required from that date to report patient details to be recorded on the WA Cancer Registry.

Cancer Registry data gathered at the state and national level for tobacco-related cancers have since been used in research⁶³ and advocacy campaigns to draw attention to the number of Western Australians afflicted with cancer believed to be caused by smoking. WA epidemiologists, notably Professor Bruce Armstrong, Professor D'Arcy Holman and Professor Konrad Jamrozik, have taken on the challenge of finding new and striking ways of presenting the evidence on the dangers of smoking to capture the attention of the public and decision makers and bring a sense of urgency to the issue. With a similar aim, Professor Mike Daube coined the term 'creative epidemiology' to refer to the art of presenting epidemiological results in forms accessible to everyone.^{4,41} The WA Cancer Registry has allowed the issue of smoking-caused cancer to be localised and government representatives to act on local information from their jurisdiction.

3.3.2 Legislative Attempts to Ban Tobacco Advertising and Sponsorship

In August 1979, Brian Simpson, TIA Director, wrote a letter to Horace Kornegay, President of the Tobacco Institute based in Washington D.C. regarding two recent articles published in *The West Australian* which had "triggered a considerable amount of activity for the Institute in defending our position in the areas of advertising bans and sporting sponsorships".⁶⁴ The articles attached to the letter reported on calls by the WA branch of the AMA to ban tobacco advertising and sporting sponsorship by tobacco companies.⁶⁵⁻⁶⁸ Simpson stated: "We immediately took a task force to Perth in an endeavour to reduce the effect of the A.M.A.'s case for bans and had extensive discussions with the appropriate Government Departments, the newspaper and sporting organisations who receive sponsorships".⁶⁴

In 1982, ACOSH drafted the Smoking and Tobacco Products Advertisements Bill which proposed to ban tobacco product advertising.^{69,70} Dr Thomas Dadour, a General Practitioner and member of the Liberal Party, introduced the proposed legislation as a private members Bill into WA parliament.^{69,70}

Prior to the introduction of the Bill to parliament, internal communications between PM executives illustrate the extent of their concerns about the proposed legislation. Michael McGrath (Public Affairs Manager, PML) sent a memo in May 1981 to Geoff Bible (Managing Director, PML 1981-1983) titled "Major issues confronting PMA [Philip Morris Australia]" which refers to ACOSH's 1982 legislative attempt.⁷¹ Regarding advertising of tobacco products, McGrath lists the "agitation for a total ban" by ACOSH in WA as one of the major issues PM is to confront. McGrath notes that the efforts by ACOSH "for a total ban are unlikely to succeed, but they add pressure to moves against sponsorship and cinema".⁷¹

The memo also refers to the enquiry into sporting sponsorship by the Sub-Committee of Health Administrators which was due to report to the Health Ministers later that year.⁷¹ PM anticipated the outcome to include recommendations to amend the Broadcasting & Television Act, or an extension of the Voluntary Code. PM's allies in the sport industry lobbied government Ministers at the state and federal level, assisting PM to protect their financial interests in sports sponsorship. This lobbying strategy would include creation of a significant pool of credible sportspeople to represent industry views to politicians and the media. A handwritten notation on the memo indicated that a copy was sent to Alexander Holtzman (PM USA Assistant General Counsel 1975-85).



BAT staff were also aware of the legislative attempt in WA. A synopsis of media coverage provided to BAT by Campbell-Johnson Limited on 29 October 1982 contained an extract from a *Daily Telegraph* (UK edition) newspaper article titled "Tobacco companies worried".⁴² It outlined the growing concern of British tobacco companies over the proposed legislation in WA to ban tobacco advertising. A tobacco industry spokesman said: "We sponsor everything from darts to grand opera, yet the anti-smoking lobby is always trying to stop us. We benefit hundreds of thousands of people who do not, and never will, smoke. Yet the militants within the anti-smoking lobby do not want us to help sport and culture. It may seem strange to some, but it is rather like the Marxists trying to take over the Labour [sic] party".⁴²

The Smoking and Tobacco Products Advertisements Bill passed in the Legislative Assembly (Lower House), 30 votes to 24.⁶⁹ The Australian Labor Party along with supporting individuals in the governing Liberal and National Party coalition supported the Bill; however, it was defeated 17 votes to 12 in the Legislative Council (Upper House).⁶⁹

Following the Labor Party's 1983 state election victory under the leadership of Brian Burke, a second attempt at legislation to ban cigarette advertising was introduced by Health Minister Barry Hodge, the Tobacco Sale and Promotion Bill.⁶⁹

During this period, a major focus by health organisations on public campaigning and education resulted in strong public support for the Bill and for tobacco control more broadly. The strength of the health coalitions and the enthusiasm of those working in them became a major factor in ensuring that further action would occur.

In April 1983, a PM report detailing state by state tobacco control activities for Australia described "excessive media coverage" of the recent ban of cigarette sponsorship by the Fremantle Council at its football ground.⁷² This move by the Fremantle Council and the resulting media coverage showed the tobacco industry that local support existed for the removal of tobacco company sponsorship from the sporting arena and action could be taken to remove logos without legislation.

As the campaign continued, it was clear that sporting associations were going to ally themselves with their tobacco industry funders rather than advocates for the ban on advertising and sponsorship. Tobacco industry allies defended the sponsorship rights of the tobacco industry. A memo from Bible to Hamish Maxwell on 29 July 1983 stated that sports administrators in Sydney, Melbourne, Perth and Hobart had held meetings to arrange submissions to the Australian Broadcasting Tribunal in defence of TV sponsorship by tobacco companies.⁷³ Representatives of advertising, publishing and sports associations were described as having "banded together" in defence of the tobacco industry's right to sponsor sporting events and advertise their products. Industry allies publicised an industry-supporting opinion poll during discussions with politicians, a key finding being that "97% of those polled believed sponsorship of sport or the arts was unlikely to make them start smoking".⁷⁴

Tobacco industry representatives and allies commissioned print and television advertisement campaigns designed to influence public opinion against the proposed bans. A detailed description of these campaigns and the rebuttal campaign commissioned by the Government is featured below (see section titled Rallying public support for advertising and sponsorship bans).

In its role as advocate for industry-wide issues, the TIA published a 78-page dossier in June 1983 entitled "Sports sponsorship – the right to choose".^{75, 76} The dossier was intended for use by sporting organisations "where attempts were being made to take away their right to seek and accept sponsorship from tobacco companies".⁷⁵ The TIA used the document to lobby the WA Government in preparation for the decision on sponsorship bans and rally support from potential allies in the sporting field. According to an INFOGRAM report, the dossier explains "why tobacco companies sponsor sport... addresses claims about sponsorship and television and sponsorship and children and discusses the future of sporting events if tobacco company sponsorship is banned in Australia".⁷⁵ Recipients of the dossier included all WA parliamentary members, sports and recreation Ministers and Shadow Ministers in all states and territories, sports editors of metropolitan and Sunday newspapers and "individual broadcast and press journalists who have commented on or are known to be interested in the sponsorship debate".⁷⁵

September 1983 saw the second introduction of the WA anti-tobacco advertising Bill in the Lower House. Regular 'weekly highlights' memos between Bible (PML) and Maxwell (PM USA) provide a detailed overview of the progress of the Bill through WA parliament, along with Bible's comments on the process from a tobacco industry representative's perspective.^{77,78} This is a good example of the extent to which US tobacco company executives were informed and concerned about issues as far away as WA.

In a memo to Maxwell (19 September 1983), Bible appeared pessimistic about the fate of the current Bill relative to its 1982 predecessor; "On the previous occasion we were successful in our lobbying efforts to prevent it being passed in the Upper House. We are not that confident that we can achieve the same this time".⁷⁷ The memo refers to the introduction of similar Bills in South Australia, Tasmania and the Australian Capital Territory at the time, with Bible expressing varying levels of confidence as to the outcome of each. It is interesting to note that due to developments around the country, Bible had become less optimistic about the WA Bill.

Bible had become slightly more positive that the WA Bill would go in the industry's favour during the following three days when he sent a memo to Maxwell (22 September 1983) advising him of a "discernable change in attitude by Liberal Opposition" which Bible noted improved the chance of the Upper House rejecting the Bill, although it was "not secure".⁷⁸ Bible reassured Maxwell they were "continuing major advertising and media campaigns, and continuing political briefings to maintain pressure".⁷⁸

Rallying Public Support for Advertising and Sponsorship Bans

Both sides of the advertising and sponsorship ban debate featured prominently in the media in the lead up to parliamentary voting on the Bill.

Evidence of the "hard fought opinion campaign waged by the industry" can be found in a PM document titled "The Western Australian Government's Attempts to Pass Legislation to Ban Tobacco Promotion".⁷⁹ The 157 page document was sent as an attachment to a memo from Andrew Whist (see Figure 2) on 13 February 1984 to an extensive international distribution list; representatives in New York, Latin America/Iberia, the European Economic Community (EEC), Eastern Europe, Middle East, Asia, Canada and Australia.⁷⁴ The 157 page document is referred to hereafter as Whist's attachment. Whist's attachment presents each of the print advertisements published by the TIA, industry allies, the WA Government and health organisations designed to sway WA public opinion regarding tobacco advertising and sponsorship. The document provides evidence of the extent and detail of the tobacco industry's efforts to monitor the media response to the proposed ban. While there are likely to be additional print articles which were left out of Whist's attachment,⁹⁴ print press articles compiled by Media Monitors which reported on the ban were presented.



Distribution
Page 2
February 13, 1984

In response, the government launched a new campaign accusing the industry of not caring about the health of children. However, investigations showed the use of pictures of local schoolchildren had not been authorized by their parents. The government was embarrassed when a member of the parliament protested the use of his child's picture without permission. Other blunders by the anti-smoking activists in the government further discredited their campaign.

The Labor caucus bill was introduced in the Lower House on September 13, but a series of tactical errors by Labor members prompted criticisms of the bill from the public and by Liberal members of the legislature. By the end of September, Liberal members of the Upper House proposed an amended bill deleting the sections banning advertising and sports promotion and strengthening prohibitions on smoking by minors.

A Gallup poll issued in mid-October showed a marked change in people's opinions about cigarette advertising restrictions in Western Australia:

	<u>May 1983</u>	<u>October 1983</u>
In favor of a total cigarette advertising ban.	47%	29%
Leave restrictions as now.	41%	48%
Lift existing restrictions.	11%	20%
<hr/>		
Total against ban	52%	68%
Total supporting ban	47%	29%

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Distribution
Page 3
February 13, 1984

On October 21, the Upper House voted in committee to exlude by 17 votes to 15 the advertising clauses from the bill, and to replace them by clauses aimed at curbing sales to minors. The amended bill was finally passed by the Upper House in mid-November and returned to the Lower House, which rejected it. The Upper House in turn rejected the views of the Lower House, and a "Conference of Managers" with equal representation from both Houses, was held to settle the dispute. The differences could not be reconciled, and the bill lapsed.

The industry feels that the matter has been put to rest for a considerable period of time. This represents a clear-cut victory for us, won after one of the most heated open debates that the industry has ever faced.

AW/lis

Attachment

2023272350



PMI CORPORATE AFFAIRS DISTRIBUTION LIST

NEW YORK OFFICE

<input checked="" type="checkbox"/> P. Clarke	<input checked="" type="checkbox"/> M. Goldberg	<input checked="" type="checkbox"/> E. Hauser
<input checked="" type="checkbox"/> R. Hutchinson	<input checked="" type="checkbox"/> H. Maxwell	<input checked="" type="checkbox"/> P. Moreno
<input checked="" type="checkbox"/> R. W. Murray	<input checked="" type="checkbox"/> J. Pollak	<input checked="" type="checkbox"/> R. Snyder
<input checked="" type="checkbox"/> A. Whist	<input checked="" type="checkbox"/> G. Bible	

EEC

<input checked="" type="checkbox"/> A. Buzzi	<input checked="" type="checkbox"/> M. Covington	<input type="checkbox"/> D. Davis
<input type="checkbox"/> A. Napier		

EEMA

<input checked="" type="checkbox"/> B. Robinson	<input type="checkbox"/> J. Gibson	<input type="checkbox"/> V. Pepper
<input checked="" type="checkbox"/> W. Thoma	<input type="checkbox"/> T. Wells	

LATIN AMERICA/IBERIA

Argentina	<input checked="" type="checkbox"/> K. Arguelles	<input type="checkbox"/> G. Massalin	<input checked="" type="checkbox"/> J. Munro
Brazil	<input checked="" type="checkbox"/> F. Hennig	<input type="checkbox"/> B. Neto	<input checked="" type="checkbox"/> A. Teixeira
	<input checked="" type="checkbox"/> G. Meirelles		
Colombia	<input checked="" type="checkbox"/> F. Rosa		
Costa Rica	<input checked="" type="checkbox"/> D. Pilling		
Dom. Republic	<input checked="" type="checkbox"/> A. Alvarez	<input type="checkbox"/> E. Leon	
Ecuador(Tanasa)	<input checked="" type="checkbox"/> F. Donoso	<input type="checkbox"/> H. Jacome	<input type="checkbox"/> K. Neufeld
Ecuador(Proesa)	<input checked="" type="checkbox"/> S. Zadoff		
Guatemala	<input checked="" type="checkbox"/> A. Sobalvarro		
Mexico	<input checked="" type="checkbox"/> M. Becker		
Miami	<input checked="" type="checkbox"/> W. Tiernay	<input checked="" type="checkbox"/> J. de la Torriente	
	<input type="checkbox"/> B. Scholte-Ubing		
Panama	<input checked="" type="checkbox"/> R. Taylor		
Portugal	<input checked="" type="checkbox"/> A. Martins		
Puerto Rico	<input checked="" type="checkbox"/> R. Rivero		
Spain	<input checked="" type="checkbox"/> C. Rodriguez	<input checked="" type="checkbox"/> C. Salguero	
Uruguay	<input type="checkbox"/> P. Methol	<input checked="" type="checkbox"/> P. Scull	
Venezuela	<input type="checkbox"/> R. Ferber	<input checked="" type="checkbox"/> P. Nunez	

ASIA

Hong Kong	<input checked="" type="checkbox"/> R. Bockman	<input checked="" type="checkbox"/> D. Devitre
	<input type="checkbox"/> N. Janelle	
India	<input type="checkbox"/> R. Poddar	
Japan	<input type="checkbox"/> G. Aelvoet	
Malaysia	<input type="checkbox"/> W. Loke Foo	
Pakistan	<input type="checkbox"/> R. Kennedy	<input type="checkbox"/> S. Samad
Philippines	<input type="checkbox"/> A. Chevalier	

CANADA

<input checked="" type="checkbox"/> C. von Maerestetten	<u>cc</u> W. Webb
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AUSTRALIA

Australia (Melbourne)	<input type="checkbox"/> W. Webb	<u>cc</u> P. Francis	<u>cc</u> M. McGrath
	<input type="checkbox"/> J. O'Brien		

ADDITIONAL DISTRIBUTION

<input checked="" type="checkbox"/> J. Bowling	<input checked="" type="checkbox"/> H. Cullman	<u>cc</u> C. Hammett
<u>cc</u> T.S. Rothermel	<u>cc</u> M. Winokur	

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Media Campaigns by Opponents of Bans

Advertisements opposing the Bill can be categorised into four groups: those placed by the TIA, by the Australian Publishers Bureau, by tobacco industry-sponsored sporting organisations and by other organisations with vested interests in continued tobacco promotion.⁶⁹

The TIA launched a public awareness campaign in WA print media on 5 September 1983 asking Western Australians to "Think. Is it best for the West?" (see Figures 3 and 4).⁷⁴ The 'Think' campaign, authorised by John Dollisson, TIA Chief Executive Officer, consisted of a series of five advertisements describing those calling for the bans as bullies and as being responsible for cancelling sporting events, destroying cricket, threatening basic freedoms and putting Western Australians out of work.⁸⁰⁻⁸⁴ The campaign was supported by 22 businesses and sporting organisations whose names were featured on the base lines of each advertisement. The advertisements provide examples of common tobacco industry strategies for slowing down proposed tobacco control initiatives.

The advertisements assisted the TIA to frame the debate in terms of restrictions on basic freedoms, the irreplaceable nature of tobacco sponsorship funds and the range of disastrous consequences on the state of such a ban. The advertising campaigns were designed specifically and solely for use in WA, and demonstrate the seriousness with which the tobacco industry attempted to protect its interests in WA.

The 'Think' campaign aimed to:

- Promote the belief that the desire to ban advertising and sponsorship was held by only a few people who were trying to 'bully' or force bans on the state. It stated: "a vocal minority is trying to pass the bully act on every West Australian"; "don't let a small group of people bully you into a ban on tobacco advertising"; "They're trying to force our State Parliament to pass a law".⁸⁰
- Dramatise the potential consequences of an advertising ban. The campaign featured dramatic analogies and words which evoke images of negative, paternalistic environments in the viewers mind. It stated: "It'll be more like living in Russia than good old Western Australia"⁸⁰; "It'll mean Western Australia will join such countries as Ethiopia, East Germany, Iran, Bulgaria, Afghanistan, Somalia and Poland, where things like tobacco advertising are banned and freedom of choice is definitely a luxury".⁸²
- Promote the belief that by removing tobacco advertisements and sponsorship, the general freedoms of Western Australians will be significantly constrained. It stated: "this vocal minority will be killing our freedom of choice in the West"⁸⁰; "you wont be allowed to wear even a simple little T-shirt to the beach, if its printed with anything that's claimed to be tobacco advertising. And that goes for beach umbrellas, sun hats, you name it"; "At least our freedom of speech isn't against the law. Yet."⁸²
- Promote the belief that rather than passing through the proper legislative process, the proposed ban on advertising and sponsorship would be enacted in a far more sudden and violent manner. It stated: "In one fell swoop..."⁸⁰
- Criticise the government for focussing on tobacco issues when there are other 'pressing issues' they should be worried about. It stated: "Shouldn't our State Government be more interested in fighting our rising unemployment and inflation"⁸⁰; "Our Government would be wasting its time with trivialities when it should be concerned with more important matters, like our unemployment crisis".⁸²
- Promote the belief that the dramatised consequences of a ban would fall on the 'innocent' public, without mention of the fallout for the tobacco industry itself (e.g., reduced product sales, smoking rate reductions, denormalisation of smoking, demonisation of the industry). It stated: "...push around innocent West Australians"⁸⁰; "If they have their way with the ban, any shopkeeper caught displaying even a cigarette poster could be punished with a fine, and given a criminal record which will stand against his name forever"⁸⁰; "a vocal minority in Western Australia is doing something that'll be disastrous for our State"; "they'll put a lot of West Australians out of work. Maybe even you".⁸¹



- Instil a sense of outrage, personal responsibility and urgency in the WA public to act against the proposed bans. It stated: "Its something no West Australian should stand for", "Fight back now"⁸⁰; "If you care about the future of cricket, and your freedom of choice, do something about it now", "Without your help, someone might just stump our cricket"⁸³; "If you care about the future of Western Australia, and your freedom of choice, you cant stand by and watch this happen"⁸¹; "Call your local MP at Parliament House"^{81, 85}
- Promote the belief that the proposed bans were completely unnecessary and without a rationale. It stated: "For the sake of common sense"⁸⁰
- Feature high profile individuals in campaigns to give an impression of credibility to authoritative sounding quotes which are not based on solid research. An excerpt from a book written by Australian cricketer Rod Marsh was quoted in one advertisement: "it would upset the applectart...cricket itself would suffer, all the way down to the basic development level. The 'anti' lobby argues that tobacco advertising encourages young people – kids – to smoke. Rubbish, I say. Kids start smoking for a variety of reasons, but one of them is not because the words 'Benson and Hedges Company' are displayed on cricket ground fences"⁸³

The graphics featured in the ads complement the text and provide a comprehensive message.^{80, 83, 84} It is clear that the aim behind the campaign was to encourage WA smokers to exert pressure on the government in line with the industry's agenda and generate the appearance of public opposition to the proposed bans.



A further five print advertisements authorised by Dollisison on behalf of the TIA were retrieved from the tobacco document archives.⁸⁶⁻⁹⁰ Exploiting the public's distaste for fines, two of the advertisements focus on the potential financial penalty for displaying tobacco brand names.^{86,87} The ads publicise the extreme and unlikely potential extent of legislation banning tobacco advertising and sponsorship in an effort to generate public attitudes of absurdity and outrage:

- "the new law means magazines containing any form of tobacco advertising, such as *The Bulletin*, *Playboy*, the *Women's Weekly*, could be banned altogether".⁸⁶
- "Unlike most Australian laws, you're guilty until you prove your innocence".⁸⁷

To a similar end, the most trivial situations potentially drawing a fine were highlighted:

- a \$1000 "penalty stands for wearing a Marlboro jacket, or using a Winfield carry-bag".⁸⁷
- "It could even be against the law to offer someone a cigarette in public".⁸⁶

The threat to personal freedoms is also highlighted as in the 'Think' campaign:

- "It will deny you the freedom to read, hear, say what up till now we've always taken for granted".⁸⁶
- "we'll pay with the loss of liberties and freedoms – small and large".⁸⁷

Encouraging the public to question the rationale behind the proposed bans, four advertisements misrepresent the evidence for banning advertising and sponsorship and deny that exposure to tobacco product logos and brand names encourage smoking:

- "...banning advertising and sponsorship doesn't have any effect on whether people smoke. Evidence from overseas tells us this, and so does plain common sense. People smoke for lots of reasons, but seeing a badge on a cap isn't one of them".⁸⁷
- "Cigarette advertising is designed to inform smokers of the choice available to them... The simple fact is that cigarette advertising is the last thing that makes people take up smoking".⁸⁸
- "In Russia, where cigarette advertising hasn't been allowed for over sixty years, millions of Russians choose to smoke. What makes them start? Quite obviously it isn't advertising".⁸⁹
- "...most West Australians realise that cigarette advertising doesn't make people start smoking anyway".⁹⁰

One TIA advertisement refers to Norway, Italy, Singapore and Russia highlighting the lack of change in cigarette consumption after those countries banned advertising.⁸⁹ The TIA offer another angle to their argument, "if a product is legal to make and offer for sale, it should be legal to advertise".⁸⁸

Public opinion surveys were commissioned to monitor public support in WA for an advertising ban.⁷⁴ The results of a Roy Morgan Research Centre Gallup poll featured in one TIA campaign advertisement.⁹⁰ In response to the question "Should the Government ban tobacco advertising?", the advertisement claims that 52% said 'no' in May 1983 and "Now 68% say NO" in October 1983, based on a WA sample of 480 participants. The advertisement concludes: "Obviously, banning tobacco advertising is not best for the West. If you agree with the majority of people, please express your concern by phoning your local MP...".⁹⁰

The Australian Publishers Bureau also publicly allied with the tobacco industry, publishing an advertisement in *The West Australian* on 10 October 1983 titled 'Your freedom under challenge'.⁹¹ The advertisement described the proposed legislation as "a dangerous attack on basic freedoms" and highlights the slippery slope argument: "At present the target is tobacco, but once the precedent is established there will be the ever-present temptation to bring into the net other everyday goods in which some consider there is a health risk factor".⁹¹

The Confederation of Major Participant and Spectator Sports (COMPASS) ran a separate campaign rallying for public support to oppose the proposed ban on tobacco company sponsorship of sport.⁷⁹ COMPASS was a single issue front group for the tobacco industry which posed as a legitimate sporting organisation. The group's purpose was to lobby against the proposed legislation. COMPASS was set up by the tobacco industry to advocate for the tobacco industry's interest.⁹²



In 1984, the TIA publicised the results of a Morgan Gallup Poll which found that “Western Australians favoured cigarette advertising and sport sponsorship more than other States, despite massive Government campaigns”.⁹³ These results were favourable to the tobacco industry and were publicised to promote the impression that the majority of the WA public oppose bans on advertising and sponsorship.


Media Campaigns by Proponents of Bans

Advertisements published by proponents of tobacco advertising bans were, for the most part, limited to those placed by the WA government and a joint campaign by health organisations coordinated by ACOSH.⁷⁹

Andrew Whist’s attachment featured copies of the public awareness print campaigns published by groups in favour of the Bill. The document describes the State government’s campaign as evolving from a “reasonably conventional “anti-smoking” campaign” into a “very tough attack on cigarette advertising” [emphasis in original].⁷⁹ The government’s campaign followed the theme ‘Give kids a chance’, which focused on preventing smoking initiation by rallying public support to ban tobacco advertising and sponsorship (see Figures 5 and 6). The government advertisement appeared in a wide range of WA media. The government’s campaign was criticised in Whist’s attachment: “the campaign broke several basic rules (aside, evidently, from being believable) by using too many different messages”.⁷⁹



Figure 5. Example of 'Give kids a chance' public awareness campaign by the Government of Western Australia: Nobody in their right mind would teach their kids to smoke.⁹⁴




Nobody in their right mind would teach their kids to smoke.

Kids learn by example. -
Even though we may not realise it, kids copy adult behaviour and mannerisms. It's natural.
However, it's frightening when a habit like smoking affects more than 40,000 Western Australian children under sixteen.
What's even more frightening is that another 10,000 kids will start smoking this year unless we care enough to do something about it.
Your Government intends to do something about it.
We believe the kids of Western Australia deserve to be given a chance.

Give kids a chance.


A community service announcement brought to you by the Government of Western Australia.



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Figure 6. Example of 'Give kids a chance' public awareness campaign by the Government of Western Australia: The defenceless minority.⁹⁵

Daily News, Monday, October 3, 1982 19



The Defenceless Minority. Who's going to fight for them?

Kids can't fight the power and influence of Tobacco Companies by themselves. They haven't even got a vote. That's why we protect them from anything or anyone that can endanger their future health and welfare.

Your Government is taking a stand to ban cigarette advertising in Western Australia, so that our kids are given a go. Please support us. Phone your

Member of Parliament on 322 1344 now and ask him to support the Bill.


Cigarette advertising doesn't give kids a chance.

If you are an individual or a group who want to support this campaign, cut out this coupon and mail it to
 Mr B Burke, M.L.A.
 Premier of Western Australia
 Parliament House
 Perth.

Yes, I/we want to give kids a chance. I support the Government's Bill to ban cigarette advertising in W.A.

NAME _____

ADDRESS _____

Give kids a chance. 

A community service organisation brought to you by the Government of Western Australia.

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The government’s campaign addressed some of the myths perpetuated in the TIA and COMPASS advertisements (see Table 3).

Table 3. Government campaign response to myths perpetuated in COMPASS advertisement campaign.

Myths in COMPASS advertisements	Government campaign response
Bans would restrict basic freedoms (e.g., freedom of the press).	Highlighted the lack of freedom in addiction.
Lack of influence of advertising on children.	Emphasised that advertising is highly influential on children.
Advertising intends only to increase market share and brand switching among current smokers.	Highlighted the effectiveness of advertising in developing an appealing brand image and familiarity that encourages smoking initiation.
Tobacco companies are responsible for the majority of sport sponsorship funding.	Placed tobacco industry funding into perspective among all the other sponsors, informing the public that it was merely a small proportion of overall funding directed at only the most watched sports (i.e., rarely developmental levels or country sport).
The issue was framed in terms of freedom and the threat to the sustainability of sport.	Framed the issue in terms of the health dangers of smoking and the need to protect children.

Representing over 20 Australian health organisations, ACOSH published print advertisements in the local newspapers of five WA electoral provinces on 11 and 12 October 1983.⁹⁶⁻¹⁰⁰ Each advertisement cited region-specific statistics of the number of people who had died between 1980 and 1982 from diseases caused by smoking and the number of children aged 9 to 16 years who were already smokers. Readers were encouraged to support the Bill and were provided with the contact details of their local member of parliament. A further advertisement published by ACOSH in *The West Australian* on 20 October 1983 highlighted the consensus of the medical and health communities regarding the health risks of smoking.¹⁰¹ The need to protect children was reinforced and public support for the government’s tobacco control initiatives was encouraged.

Prominent car retailer John Hughes published a personal statement in *The Daily News* on 17 October 1983 in support of the WA Bill to ban tobacco advertising.¹⁰²

Media Coverage

A considerable amount of print media coverage resulted from the debate over the proposed legislation.⁷⁹ Andrew Whist’s attachment stated that the media coverage and advertising from both sides of the debate made it “the dominant media question for many weeks”. The report included copies of over 70 print news articles and 18 editorials (from *The Daily News*, *The West Australian*, *The Australian*, *Financial Review*, *Weekend News*, *The Bulletin* between 22 July 1983 and 27 October 1983). Whist’s attachment noted that media in the Eastern States had given the debate “plenty of coverage”.

The media coverage quoted the tobacco industry and its allies promoting different arguments designed to sway public opinion away from the advertising ban. Allies and their arguments included:

- The Outdoor Advertising Association warned of a loss of jobs and the threat to small businesses¹⁰³;
- A spokesman for the Advertising Federation of Australia noted that banning advertising left “no way of informing the public about alternative low-tar and low-nicotine cigarettes”¹⁰⁴
- The director of the Australian Publishers’ Bureau argued that tobacco advertising does not effect cigarette consumption and a ban would see advertising revenue diverted away from local publishers²⁶
- The Sports Federation of Victoria described the potential banning of sports sponsorship as “the biggest setback to sport in 40 years”¹⁰⁵

- The President of the WA Darts Council stated that the Government's selective use of information in its campaign against sports sponsorship distorted "truth and reality".¹⁰⁶

Other organisations with vested interests in tobacco advertising and sponsorship whose views were covered in the media included the WA Trotting Association, Claremont Speedway, the TIA, the Independent Retailers Association, COMPASS and the WA Greyhound Racing Association. Strategic arguments presented through the media included: denying the influence of tobacco advertising on youth smoking, focussing on what the industry believe are 'actual' causes of youth smoking, giving personal examples of workers whose businesses would be 'ruined' by a ban¹⁰⁷ and quoting polls which showed public support for sponsorship and advertising by tobacco companies.

The media articles documented in Whist's attachment opposed the ban on advertising by featuring specific views of those opposed to the ban or by highlighting flaws in the government's campaign or process. It is unclear whether these articles are reflective of the total media coverage at the time or whether the tobacco industry were more interested in collecting articles that supported their perspective.

Interest in Health Ministers

State Health Ministers are seen as important by tobacco companies not only for action that can occur within their own jurisdictions, but for their role in national fora such as the Australian Health Ministers Council and the Ministerial Council on Drug Strategy (MCDS). WA has experienced a succession of Health Ministers who have taken a strong lead on tobacco control nationally as well as within WA, led initially by Barry Hodge, who was a strong and effective Ministerial campaigner for tobacco control action nationally.

The tobacco industry has persistently engaged in lobbying government decision makers in many countries in an attempt to further the industry's agenda.¹⁰⁸ References to WA Health Ministers can be found in the tobacco industry documents.^{72, 109, 110} References include monitoring of the extent to which government members are perceived to be accommodating, balanced or critical of the tobacco industry.^{72, 111, 112}

A status report by PM on 'anti-industry activities in Australia' (April 1983) provided a state-wide and federal update on government members' positions on tobacco issues and tobacco control initiatives.⁷² Barry Hodge, WA Health Minister appointed in early 1983, is described in the report as an "active member of the Non-Smokers Movement" who intends to reintroduce a Bill to ban tobacco company advertising and sponsorship with Dr Thomas Dadour after it was defeated by only a small margin months earlier.⁷² Realising that Hodge was no ally to the industry the report stated, "There is a clear message that the new Health Minister is out to get the industry and will waste no time in trying to do so".⁷² Knowledge of Hodge's stance on tobacco was far-reaching. Whist's attachment (February 1984) sent from the PM New York office to an international distribution list described Hodge as a "vehement anti-tobacco Health Minister".⁷⁴ Hodge announced that the 1983 SLF increase would be only one aspect of a five-part \$6 million anti-smoking campaign to be implemented over a three year period.⁷⁴

Outcome of the 1983 Bill

Memos between Geoff Bible in Australia and Hamish Maxwell in New York closely followed the progress of the Bill through the Upper and Lower Houses.^{73, 77, 78, 113-116} On 30 September 1983, Bible told Maxwell of "unfounded accusations of payouts and dishonesty by the tobacco industry" made by the Premier, Brian Burke, under parliamentary privilege.^{114, 117}

The optimism reflected in Bible's memo a week earlier⁷⁸ remained as he noted: "we think we might be beginning to get the upper hand in W.A. and I am now beginning to think we stand some chance of having the Bill defeated or heavily amended in the upper house".¹¹⁴ Indeed, the WA Bill was amended in the Upper House after three readings in the Lower House, removing all advertising and marketing ban clauses and retaining only those aimed at restricting cigarette sales to minors.^{69, 111, 113} Bible described the outcome as "good news".¹¹¹ In the Lower House, 37 members of parliament representing 68% of the electorate voted in support of the amended Bill, while 20 parliamentarians representing 32% voted against it.⁶⁹ In the Upper House, 15 members representing 53% of the electorate supported the Bill and 17 parliamentarians representing 41% of the electorate voted to defeat the Bill.⁶⁹ While this was a narrow margin, Bible wrote to Maxwell, "you will recall at the outset we thought we would lose".¹¹¹



On 21 October 1983 Maxwell sent a memo to Bible: "We are truly delighted with the outcome in Western Australia and wish to congratulate you, Phil Francis and all the others who worked so hard to bring about this excellent result".¹¹⁸

Maintaining his resolve to target smoking rates, Premier Burke stated that his government would not accept the Bill in its amended form. The Bill was sent to a conference of management of members from both Houses.¹¹³ The six representatives nominated by their own party were to come to a unanimous decision or the Bill would lapse.¹¹³ In response to this situation, Bible noted to Maxwell: "we are reasonably assured that there will not be a unanimous vote as Liberals are suggesting nominations in our favour".¹¹³ Premier Burke was proving to be an obstacle for the tobacco industry, with Bible acknowledging Burke's intention to "keep pushing this Bill forward at every opportunity" and noting that "it would appear that Burke intends to persist".¹¹³

The WA Lower House rejected the significantly watered-down Bill "after heated debate", where it was returned to the Upper House.¹¹⁵ Bible noted that the government's rationale for this was that "juvenile smoking could not be solved without an advertising ban" and "the government had a mandate from the electorate to ban cigarette advertising".¹¹⁵ Bible was optimistic the Bill would once again be rejected by the Upper House; however, he acknowledged "we are still not yet out of the woods in W.A.". ¹¹⁵

Tobacco industry campaign expenditure against the 1983 Bill reflected the threat the legislation posed to industry profits. A tobacco industry spokesman stated that the "very significant swing in public opinion" towards the industry's agenda "was achieved at less than half the cost of the \$6m the Western Australian Government is spending over three years on its antismoking campaign".¹¹⁹ By contrast, the government estimated an expenditure of \$300,000 in support of the proposed legislation.⁶⁹

A memo from Andrew Whist (Vice President, Corporate Affairs, PMI) in the PM New York office titled "Final appraisal of the public campaign to defend marketing rights in Western Australia" was sent on 13 February 1984 to an extensive international distribution list.⁷⁴ The three-page memo detailed the history of the 1983 Bill to ban tobacco advertising in WA, from its origins in "the state Labor Party's long standing opposition to tobacco advertising and promotion" to its ultimate failure due to 'irreconcilable differences' between the Upper House, Lower House and the 'Conference of Managers'. Whist credited the "stalemate victory" to "a hard fought public opinion campaign waged by the industry".⁷⁴ The concluding paragraph of Whist's memo read: "The industry feels that the matter has been put to rest for a considerable period of time. This represents a clear-cut victory for us, won after one of the most heated open debates that the industry has ever faced".⁷⁴

While there are few internal industry documents available in the document archives regarding the 1982 Private Members Bill to ban tobacco advertising and sponsorship, many documents are available regarding the 1983 Bill introduced by the WA government. The tobacco industry's interest in WA developed considerably between the Bills so that in 1983 tobacco company executives spent considerable time monitoring and responding to developments in WA.

Two PML 'weekly highlights' memos from 1984 written by William Webb demonstrate that the company was bracing itself for a possible third attempt at a legislative advertising ban in 1984.^{93, 120} In a memo sent 7 September 1984, Webb informed recipients that the WA Labor Party had voted for the reintroduction of a Bill to ban tobacco advertising at the State Conference; however, Premier Burke refused to reintroduce the Bill "until after the next election when he hopes to control the Legislative Council".⁹³ Prior to this, in July 1984, PML had briefed the Mojo advertising agency to develop a campaign to counter the WA Bill to ban the advertising of tobacco products "as soon as it is introduced".¹²⁰

Musk, Shean and Woodward published a paper in 1985 in the British Medical Journal documenting the unsuccessful legislative attempts to ban tobacco advertising and sponsorship.⁶⁹ A June 1985 'Infotopics' report provided a summary of the paper to the tobacco industry.¹²¹

Progress stalled until the late 1980s.¹²²

Tobacco Control Act 1990

A third attempt to ban tobacco advertising and sponsorship came in the form of the Tobacco Control Bill 1990 which proposed significant restrictions on tobacco industry activities. In August 1989, Labor Premier Peter Dowding announced a proposal to prohibit tobacco product advertising and sponsorship, competitions by tobacco companies and the distribution of free tobacco samples, while increasing the SLF and establishing a health promotion foundation from hypothecated tobacco taxes.¹ The Act was passed in December 1990.¹

The Premier's decision to legislate followed several years of intense lobbying by health organisations such as ACOSH, the AMA, the Cancer Council (then the Cancer Foundation) and the National Heart Foundation. Following the Premier's announcement there was a period of even more intense lobbying by both the health coalition and the tobacco industry and its allies. The case for action was substantially strengthened by the passage of tobacco control legislation in Victoria that banned tobacco advertising and promotion while increasing the SLF, using some of the revenue to replace tobacco advertising and sponsorship. Surveys had shown that this would be popular, and once implemented it was highly successful. A similar approach was taken in WA; this resulted in support, not only from health groups, but from many in sport and the arts, and also from key media.

A Healthy Level of Sponsorship: the Establishment of Healthway

The Western Australian Health Promotion Foundation, Healthway, was established in 1991 under the Western Australian Tobacco Control Act 1990.¹²²

A copy of the Western Australian Parliament Legislative Council 'Report of Standing Committee on Legislation in relation to the Tobacco Bill 1990' is held within the PM archives.¹²³ While scientific evidence of the diseases caused by smoking formed the basis of medical professionals and public health representatives' rationale for banning tobacco advertising, tobacco industry representatives avoided health arguments.⁶⁹

The report¹²³ lists the arguments put forward by the tobacco industry and their sporting industry allies in lobbying to maintain the status quo on tobacco advertising and sponsorship in WA:

- Smoking is an adult behaviour in which adults make an informed decision to engage in. Advertising informs consumer choice
- Advertising influences brand selection and does not induce a want for the product where one did not previously exist
- Removing advertising will not reduce smoking rates. Evidence of this is the lack of change in smoking incidence since advertising was removed from television
- Banning tobacco advertising will negatively impact the advertising and print media industry
- Tobacco companies sponsor sport to promote goodwill and engage in good corporate citizenship by giving back to the community, not to promote smoking
- The tobacco industry favours self-regulation through a voluntary code which addresses concerns regarding youth smoking
- Without tobacco industry funding, many sporting and cultural events would not be financially viable and would result in loss of jobs and the discontinuation of significant sporting events in WA.

The Standing Committee on Legislation¹²³ heard evidence from various representatives from the Australian tobacco companies and affiliates:

- Peter Alexander, Director of Industry Affairs, Rothmans of Pall Mall (Australia) Ltd and John Gonczi, Solicitor
- David Bacon, Manager Corporate Affairs, Wills Australia
- Richard Mulcahy, CEO, Tobacco Institute of Australia
- Michael Apps, State Manager Western Australian Tobacco Institute
- Gary Berson, Solicitor, Robinson Cox
- Ian Wall, Corporate Affairs Manager and David Steer, State Manager, PML



The report¹²³ provides evidence that the tobacco industry was monitoring WA to identify legislation that would impact on the industry. The tobacco industry responded to legislative tobacco control proposals in WA by delaying the legislative process with standard industry arguments and attempts to water down tobacco control measures. Industry allies augmented the tobacco industry's campaign. Evidence from the Standing Committee's report featured in international tobacco industry documents including papers by smokers' rights group FOREST (Freedom Organisation for the Right to Enjoy Smoking Tobacco),¹²⁴ the Tobacco Institute of New Zealand,^{125, 126} and the Tobacco Institute of India.¹²⁷

The November 1991 edition of *The Australian Retail Tobacconist* warned Australian retailers of the 1990 WA Tobacco Control Act and attempted to generate concern from Eastern States tobacco retailers that the restrictions might spread.¹²⁸ The author describes the WA Labor Government as having "taken a punt on being considered to be politically correct in introducing this anti-small business legislation as against the votes it will continue to lose from the small business sector. Please don't confuse this matter with a concern by the WA Government for public health".¹²⁸ Retailers are encouraged to contact their local member of government to "express concern for the possibility of the introduction of repressive legislation".¹²⁸ In this way, the tobacco industry mobilised its allies in the retail sector to lobby the government with the industry's agenda.

In October 1991, the Price Waterhouse Economic Studies and Strategies Unit prepared a report for the TIA regarding "the rationale, funding and operations" of Australian health promotion foundations.¹²⁹ The preface describes the report as an "independent review of the concept of health promotion foundations in Australia".¹²⁹ In response to the WA government announcing a review of Healthway,¹³⁰ Price Waterhouse published a report in January 1995 titled 'Comment on the rationale, implications and impacts of health promotion foundations with reference to the Western Australian Health Promotion Foundation'.¹³¹ It is interesting to note that the report on Healthway prepared by Price Waterhouse is reminiscent of traditional tobacco industry arguments (for example, it described taxes as "regressive" and stated that governments already have enough funds to distribute) despite Price Waterhouse purporting to be an independent organisation.

Martin Riordan of Wills Australia sent the reports on Australian health promotion foundations to company representatives in South Africa, China, England, Indonesia, Malaysia, New Zealand and Singapore.¹³² On 25 May 1995, Riordan sent a memo to the international company representatives expressing his hope that the Price Waterhouse report on Healthway commissioned by the "Australian Industry" (the TIA) was helpful.¹³² Riordan wrote that he would be forwarding the reports to David Bacon, BAT in England "in case other operating companies face similar tobacco sporting/funding replacement groups being suggested by their governments".¹³² Riordan noted the tobacco industry's concern over the potential spreading of health promotion foundations, stating: "These government groups which are funded as hypothecated taxation vehicles by health bureaucrats really must be stopped from spreading".¹³²

3.3.3 Taxation

The 1983 proposal by the WA Government to increase cigarette taxes met with tobacco industry opposition and a keen focus on WA by significant tobacco industry representatives. A report sent in April 1983 titled "Status report on anti-industry activities in Australia" stated: "...excise and State Licence Fees will almost certainly be hiked this year which will produce a Thatcher like approach and have a serious effect on the industry in this country. The most certain way to reduce consumption is through price".⁷²

A 1983 memo (22 June) from Phil Francis to Andrew Whist in the PM New York office detailed a PM media campaign implemented in WA opposing tax increases on tobacco products (see Figure 7).¹³³ Francis believed the campaign needed "revamping in order to increase its impact". The campaign attempted to build outrage among WA smokers and rally support to lobby local Parliament members on behalf of the industry. The six chapters of the campaign were titled "Lop-Sided", "Fight Fair!", "Unfair", "Mis-Directed", "Too Much", and "Slug".^{133, 134} This campaign represented the tobacco industry's allocation of funds to obstruct tobacco control initiatives seen as ultimately effective in reducing smoking.



Figure 7. Philip Morris (Australia) Limited memo to New York office regarding campaign opposing 1983 tax increase in Western Australia.¹³³

Aust. cap. & health *CL = IM* ✓

PHILIP MORRIS (AUSTRALIA) LIMITED
1 Little Collins Street, Melbourne 3000

RJM
RS
TW
MW

FACSIMILE MESSAGE

Fax Group: 3 (03) 654 1370 DATE: June 22, 1983

TO: MR ANDREW WHIST ✓ FROM: PHIL FRANCIS

NEW YORK OFFICE PAGE 1 OF 4

Re your facs of June 20 and your request for the advertisements we intend to use in Western Australia - this advertising campaign commenced in N.A. today and I believe requires revamping in order to increase its impact.

The campaign consists of six segments which are as follows:

"LOP-SIDED"

The new tax on smokers discriminates heavily against only about 30% of the population. Is this democracy? Is it a fair go? Do something about it before it is too late. Write or ring your local member of Parliament today.

"FIGHT FAIR!"

Not all men are created equal. As smokers are finding out. This new tax grab is unfair discrimination against smokers, another blow against freedom of choice. Do something about it today. Write or ring your member of Parliament and tell him so.

"UNFAIR"

Is the Government hiding behind the do-gooders? The new tax on smokers is blatantly unfair on the 30% of the population who smoke. Is this a fair go - or just a blatant fund-raiser by an insatiable Government? Write or ring your local member today and tell him what you think.

"MIS-DIRECTED"

Of all the unfair, mis-directed efforts at blatant fund-raising, the new tax on smokers is hard to beat. Punitive, discriminatory - it defies all the Australian rules about all men being created equal. Write or ring your local member today and tell him so.

"TOO MUCH"

The smoker is all too used to being hit to leg by State and Federal Budgets. But this new punitive, discriminatory grab is a frightening new glimpse of a Government hiding behind the do-gooders in a blatant, huge fund-raising effort of unprecedented size. Write or ring your local member today and tell him so.

RECEIVED
JUN 24 1983
HAMISH MAXWELL

2024272387



PAGE 2

"SLUG"

Smokers face not just the usual few cents Budget tax hike, but a mighty, unprecedented slug upon a Government mounting a blatant fund-raising stunt behind the skirts of the do-gooders. The new tax is unfair, punitive and discriminatory. Write or ring your local member of Parliament today and tell him so.

In addition to this advertising campaign, we have also commenced a petition which will be distributed right throughout the whole of W.A. from which it is expected we may obtain in excess of 100,000 signatures. Copy of this petition is attached.

Further we have also printed 100,000 "Postage Paid" cards which are addressed to the Premier, protesting about the excessive tax. These have also been distributed and the design of that card is also attached.

Please let me know if you require anything further.

Kind regards,


PHIL FRANCIS

2024272388

As an adjunct to the campaign, PM organised a petition to be “distributed right throughout the whole of W.A.” from which they expected to gather “in excess of 100,000 signatures”.^{133, 135} In a follow-up memo to Hamish Maxwell on 29 July 1983, Geoff Bible reported that the petition was handed to the State Opposition Leader, Ray O’Connor three days earlier bearing a more modest 35,000 signatures.⁷³ The handover was said to have received radio, TV and other press coverage.⁷³ PM also distributed 100,000 postage paid cards addressed to Premier Brian Burke which read, “We smokers already pay enough in taxes. The new State licence fee of 35% is excessive and unfair. It will especially hurt pensioners and ordinary wage earners. Please think again about imposing this additional burden on smokers”.¹³⁶ The petition and postage paid cards were attempts to increase support for the tobacco industry.

Nowhere on the advertisements, card or petition, is PM mentioned. However, tobacco industry affiliated organisations were acknowledged at the bottom of the advertisement: The Tobacco Institute, The Australian Retail Tobacconist, The Associated Newsagents (WA.) Co-operative Society Limited, Cruickshank Tobacco Products Pty Ltd, T.P.D Distributors and W.J. Hurford Federal President of the Federated Tobacco Workers Union Australia.¹³⁴

In a regular “weekly highlights” memo (24 June 1983), Jack Sporton updated Maxwell on PM efforts to oppose the State’s proposed cigarette tax increase.¹³⁷ To build on the advertisements, petitions and letters, the memo outlined that “media interviews have been used to protest against the tobacco licence fee hike” and “Managing Directors of the tobacco companies have arranged to see the Premier”.¹³⁷ A subsequent memo from Bible to Maxwell (1 July 1983) described the outcome of the meetings with Premier Burke and senior Opposition politicians as “not promising”¹¹⁶; however, industry representatives suggestions of a reduction in the fee increase was agreed to be taken to Cabinet. On 24 June 1983, Sporton further indicated that PM was aware of the Federated Tobacco Workers, Metal Trades, and Electrical Trades Union groups’ joint delegation to the WA Trades & Labour Council seeking “support for opposing the proposed State Licence fee increase in Western Australia”.¹³⁷

The Bill to increase the SLF in WA from 12.5% to 35% was introduced on 26 July 1983.^{73, 138} Bible reported to Maxwell three days later: “the State Opposition strongly opposed the amount of the increase, as did Tom Dadour”. Bible expressed hope that the Opposition would amend the tax increase to 25%.⁷³ The WA SLF was successfully increased to 35%.⁷⁷ Federal excise tax and SLF increases had the desired effect of reducing cigarette sales, to the disappointment of industry representatives.^{78, 139}

Bible wrote to Maxwell on 22 September 1983: “It is very concerning that industry volume in Western Australia appears to be off some 20% following the July 1 State Licence Fee increase of 30 cents a pack”.⁷⁸ Bible described WA tobacco product sales as “very slack” and expressed hope that the round of tax and SLF increases had ended. Bible further wrote, “While they have had a devastating effect upon the price of cigarettes we can take comfort from the knowledge that excise taxes and State licence fees when added together still represent on average only about 53% of the price of a packet of cigarettes”.⁷⁸ Bible concluded the memo with an optimistic tone: “we are therefore still in good shape in my opinion, which should enable us to have some confidence in the ability of the industry to recover from these increases”.⁷⁸

Jim Morgan, PM USA, sent a memo on 9 March 1990 to fellow PM colleagues (Senior Vice President Sales PMI, Senior Vice President Marketing PM Inc., President/Chief Executive Officer PM Inc, PM Executive Vice President, Operations) titled ‘Value Segment Synopsis – The Australian Market’.¹⁴⁰ The report confirmed the ongoing pressure on the industry from tobacco control measures to which WA was a significant contributor.

“The major factors impacting on the industry are the increasing efforts of the anti-smoking lobby to persuade the Government to increase taxes and ban tobacco advertising and the reduction in federally sourced State budgets leading to the necessity for increased revenue from traditional State tax sources. Australia has consequently seen a steady rise in the level of direct taxation and because of this consumers are being forced to pay ever increasing prices for cigarettes”.

At the time of the memo, the WA SLF had increased to the rate of 50%.¹⁴⁰



In March 1993, Bible (Executive Vice President, International, PM Companies Inc.) expressed his growing frustration at the success of taxation as a tobacco control measure: "we must prevent state license fees moving beyond their current levels. About thirteen years ago, these did not exist at all. Today, they are at the 75% level – it is unbelievable what this has done to our profitability".¹⁴¹ A 1995 PM Annual report retrieved from William Siemers' office (PM Management Corporation, New York)¹⁴² presented the SLF for each of the Australian States and Territories as they were at the end of the year for the period 1981 to 1995. Between the end of years 1991 and 1993 WA's SLF increased from 50% to 100%.

The state franchise fee for tobacco products was abolished in 1997 when its constitutional validity was challenged. Section 90 of the Australian Constitution prohibits Australian states from raising revenue from the sale of products.¹⁴³ Taxation for tobacco products became the responsibility of the federal government.¹⁴⁴ Since that time, tobacco industry lobbying against tobacco tax increases has been carried out at the federal level where the industry uses means such as political donations and contributions through third parties.¹⁴⁵⁻¹⁴⁸

3.3.4 Pack Labelling and Health Warnings

In 1991, the Tobacco Task Force chaired by Mike Daube set up by the MCDS reviewed the existing health warnings on cigarette packs.¹⁴⁹ A report prepared by the Victorian Centre for Behavioural Research in Cancer for the Working Party recommended that measures be taken to strengthen health warning labels on Australian cigarette packaging.¹⁵⁰ The WA government proved to be one of the most motivated of any state or territory government on the issue and its attempt to implement the health warning legislation meant it was a target of industry strategies to interfere and delay legislation.

The tobacco industry monitored each state's support for more comprehensive health warnings to determine where their lobbying resources should be focussed. A memo from Phil Francis (Corporate Affairs, PML) to Matthew Winokur (Director, Corporate Affairs PMI) on 30 June 1992 discussed the political situation in each of the Australian states and the likelihood of stronger health warnings on cigarette packs being implemented.¹⁵¹ Francis identified WA as one of the states where the "Health Minister would recommend strongly that the warnings proceed". Francis continued, "...it is the Premiers and Health Ministers for Victoria, South Australia and Western Australia who need turning around". Winokur was assured that "Intelligence from Health Departments around the nation is being gathered regularly".¹⁵¹

In June 1992, William Murray, President and Chief Operating Officer of PM Companies Inc., wrote to the Australian Prime Minister and each of the State Premiers in regard to the MCDS proposal to change the format of health warnings on cigarette packaging.¹⁵² The WA Premier, Dr Carmen Lawrence, received the letter which urged the government to reject the proposal on the grounds that the warnings were "unnecessary", "excessively skewed against the tobacco industry", and contribute to the tobacco industry's belief that Australia is a "nanny" state.¹⁵³ Murray argued against new warnings on the grounds that Australians were already sufficiently aware of health warnings regarding smoking ("one would have to be asleep in a cave for twenty years not to be aware"), youth education about smoking issues would be better accomplished in the school or family environment, and the proposed warnings "are an abusive and punitive defacement of a legal product".¹⁵³

Various tobacco companies monitored WA media resources regarding pack labelling. A copy of The West Australian article "Warning rules for cigarettes made tougher" (24 Dec 1992) was received by the PMI office.¹⁵⁴ The article highlighted WA as having a tough stance on tobacco control and a willingness to set legislative tobacco control precedents. The article read¹⁵⁴:

"WA has become the first State in Australia to introduce tough new regulations requiring cigarette packets to be virtually covered in health warnings. The regulations – believed to be the strictest in the world – were introduced yesterday but will not take effect until July 1. All States agreed to the restrictions in April but local health authorities have led the way because WA has the most extensive Tobacco Control Act, making the changes easier to introduce... From July 1, health warnings will cover the flip top, a side and the entire back of cigarette packets." Further measures were suggested in the article which would move towards generic packaging: "State and Federal governments have agreed to consider banning tobacco company logos and designs next year...".

On 24 December 1992, Winokur (PMI) alerted a distribution list of PM executives to “new, adverse developments on the pack labelling strategy”.¹⁵⁵ A PM consultant based in Australia, John Harvey*, had alerted Winokur to the WA government’s decision to gazette pack labelling legislation in line with MCDS recommendations.¹⁵⁵ Winokur described the industry strategy as having been “to get the Victorian State Premier to introduce alternative legislation based on the EC labelling directive”.¹⁵⁵ In response to the new development, John Harvey and Phil Francis were “preparing a revised strategy to head off West Australia’s initiative”.¹⁵⁵

Geoff Bible sent William Webb a memo on 31 December 1992 on the topic of “Western Australia Regulations”.¹⁵⁶ Shortly before writing the memo, Bible had been informed of the new WA warning label regulations and stated “I had not realized that potentially it was so imminent. Of course, this is quite a set back and our task now is to prevent its spreading to other States”.¹⁵⁶ The tobacco company executives employed legal advice in the hope of delaying inevitable legislation: “Are there any grounds on which we can seek an injunction which could hold things over until the State election...in February 1993? In any event, I am sure you understand my concern and that I am grasping for straws of hope. If you could offer any, I would be very glad to hear of them”.¹⁵⁶

A reply from Webb to Bible on 5 January 1993 stated “The regulations came as a complete surprise to the industry in Australia and to me”.¹⁵⁷ Of the delay strategy suggested by Bible, Webb offered “several legal steps which could be taken to defer implementation of the regulations but ultimately the most appropriate action would appear to be to apply as much political pressure as possible”.¹⁵⁷ Webb informed Bible that PM was attempting to reach the WA Liberal party through John Harvey (PM consultant) and John Bertrand (Australian yachtsman who skippered Australia II to victory in the 1983 America’s Cup). Bertrand was thought to have good contacts in the WA Liberal party.¹⁵⁷ Providing PM had Liberal party support, PM considered running an advertising campaign in the weeks prior to the election.

Bertrand and Harvey represent the use of third parties and intermediaries by PM in political lobbying.¹⁵⁸ PM Group of Companies was a principle sponsor of the Australia One team led by Bertrand in the 1995 America’s Cup, contributing financially and through the provision of marketing, legal and computing resources.¹⁵⁹ The Australian Prime Minister, Paul Keating, and the Leader of the Opposition, Dr John Hewson, were co-patrons of Australia One and State Premiers acted as State Patrons.¹⁶⁰ In 1992, Bertrand approached PM in New York and requested sponsorship funding for the 1995 America’s Cup.¹⁶¹ A video-taped message from the Australian Prime Minister to the PM Group of Companies was part of Bertrand’s sales pitch.¹⁶¹ Bertrand had a “special relationship” with Jim Humphreys, Australia’s Consul-General in New York, who had been his “mentor” at the New York Yacht Club.¹⁶² Craig Fuller, Senior Vice President of Corporate Affairs, PM Companies Inc, later developed a “great friendship” with Humphreys after they were introduced by Bertrand.¹⁶²

On 11 January 1993, Webb informed Bible that Francis and the Corporate Affairs Directors of other tobacco companies were to meet with the WA Health Minister; however, Webb stated: “we do not hold out much hope for a successful outcome from this meeting”.¹⁶³ Attempts to meet with WA Premier Dr. Carmen Lawrence were unsuccessful.¹⁶³ A handwritten note by Bible on a memo he received from Webb (15 January 1993) read: “There is some daylight. Everything will depend on Liberals winning W.A election”.¹⁶⁴ The Liberal Party assumed office in the WA government on 16 February 1993 with Richard Court as Premier and Peter Foss as Health Minister.

On 8 January 1993, Owen Smith (Associate General Counsel & Secretary, PM Management Corporation) sent Murray (President and Chief Operating Officer, PM Companies Inc.) a memo with sketches of the WA health warning labelling regulations.^{165, 166} These sketches reflect the detailed knowledge of WA tobacco issues in the New York office of PMI.

A January 1993 letter from John Owen of W.D & H.O Wills in New Zealand to David Bacon of BAT discussed the health warning and pack labelling regulations gazetted in Perth in December 1992 which made for “alarming reading”.¹⁶⁷ Owen stated: “If past experience is anything to go by, similar initiatives in New Zealand cannot be far away”. Owen further stated: “I believe that the latest moves to introduce packaging changes heralds the biggest battle to be fought by the industry”.¹⁶⁷

* Political consultant to Philip Morris (Australia) Limited as well as the former Chief of Staff to New South Wales Premier Nick Greiner and leading Federal Parliamentarian Andrew Peacock.



During February and March 1993 Francis sent regular updates to Bible on the status of health warnings and content labelling in Australian states.^{109, 110, 112, 168, 169} On 18 February 1993 Francis had returned from a visit to Perth and was "able to reconfirm that the new government* will not introduce the already gazetted (ALP) [Australian Labor Party] regulations".¹⁰⁹ A follow-up status report sent on 25 February 1993 informed Bible that Foss had "declared publicly...that he would be proceeding with the health warning regulations gazetted by the labor government".¹¹⁰ Francis stated "We have prepared the necessary statements to take legal action should Foss not back down". A handwritten note from Bible on the side of the memo read "A setback in WA but I spoke to Phil last night and he thinks (can't be sure) we are back on track. It's being closely watched" [emphasis in original]. The close of the memo listed a number of "priorities" including "getting Foss to accept EEC directive and regulate".¹¹⁰ The EEC directive proposed relatively weaker warnings than those Foss advocated. Warnings would be printed on the side of cigarette packs and cover a minimum of 4% of the pack surface.¹⁷⁰ The tobacco industry preferred the weaker EEC directive if any regulations were to be introduced.¹⁷¹

A status report from Francis on 11 March 1993 informed Bible of a "difficult" meeting with WA Health Minister Foss who "did not reflect the previous understanding undertaken by the Premier".¹¹² Foss wanted to proceed with the health warning requirements agreed upon at the 1992 MCDS meeting¹¹² which included procuring 25 percent of the front of cigarette packs to display 12 rotating health warnings, one third of the back to display health warnings, health information and the national Quitline telephone number and one side of the pack to display tar, nicotine and carbon monoxide content.¹⁷² Francis used his political contacts – including Victorian Premier Jeff Kennett – to quash Foss's motivation to pursue the MCDS proposal. Kennett 'told' Court to "over-ride his Minister".¹¹² Francis described holding meetings with officers from Foss's department to "buy time".¹¹²

Jeff Kennett was elected Premier of Victoria in October 1992. Kennett was supportive of the EEC directive and PM encouraged him to advocate for the weaker European health warnings amongst his political counterparts.^{158, 173} In January 1993, Kennett wrote to all State Governments to confirm that the Victorian Government would be adopting the EEC directive on health warnings.¹⁷⁴

A handwritten note by Bible on the status report reads: "Looks like things are deteriorating again. Both W.A. and S.A. are dangerous again".¹¹² Francis sent a memo to Bible the next day as South Australia's situation required more urgent attention.¹⁶⁹ Francis stated that he was "still reasonably confident of...winning in WA" but if the MCDS proposal was to pass in WA and no other state, the "isolation will force WA to adopt the EC Directive".¹⁶⁹ Francis informed Bible that "WA & SA are at the top of the list" in terms of priority.¹⁶⁹

The industry was aware of Foss's tobacco control stance and a few days later, Henry Goldberg (Managing Director, PMI, Australia) wrote of WA and Victoria in a memo to Bible, "Even in these two states, where the Premiers are onside, they do NOT have control over their Health Ministers".¹⁷⁵ Bible forwarded this memo from his New York office to other senior PM representatives including Murray Bring (Senior Vice President & General Counsel, PM Companies Inc.), Craig Fuller (PM Senior Vice President of Corporate Affairs, PM Companies Inc.), Michael Miles (Chief Executive Officer PM before Bible; President and Chief Executive Officer, Kraft General Foods) and William Murray (President and Chief Operating Officer, PM Companies Inc.).¹⁷⁶

An update on 19 March 1993 informed Bible of Francis' recent meeting with Maurice Swanson, Director of the Health Promotion Services branch of the WA Department of Health to discuss the tobacco industry's objections to the gazetted health warning regulations (see Figure 8).¹⁶⁸ Francis considered himself successful in the objectives of the meeting "to firstly buy time and to secondly, disrupt the existing regulations by forcing amendments". Francis described WA as "taking the lead (among all the States) in drafting uniform regulations". In response to this, Bible wrote [emphasis in original]¹⁶⁸:

This doesn't sound good at all. Especially "WA taking the lead...".

* As further information in this report shows, the tobacco industries hopes that the change in government would lessen interest in tobacco control were ill-founded.



Seems:

1. WA is going ahead with warnings labels despite Court's assurances.
2. They are taking the lead!! This will spread elsewhere. Don't want to sound alarmist BUT I am alarmed. Any ideas what to do next? My sense is an Industry leader delegation to see Court is our last chance. I'd appreciate your views.



Figure 8. Memo regarding meeting between Maurice Swanson (Health Department of Western Australia) and Phil Francis (Philip Morris Australia Limited) to discuss Philip Morris' objections to health warning regulations.¹⁶⁸

14R 22 '93 10:17AM MR.G. C. BIBLE

From: MEELES --VAU0002A
To: GBIBLE --VUS0212A Geoffrey Bible

Date and time 03/19/93 12:53:33 FAX

From: Phil Francis
Subject: Health Warnings and Contents Labelling

Geoff

Yesterday I met with the Director, Health Promotion Services in Perth to go through the Industry's objections to their gazetted regulations.

The objective was to firstly "buy time" and to secondly, disrupt the existing regulations by forcing amendments.

The 2 1/2 hour meeting was successful on both counts; extra time provides us with a greater span in which to pursue the Kennett option and all that entails from the other eastern states. Initial minor amendments were confirmed around the table and additional submissions substantiating further amendments were requested by the Director with a very pronounced inference that they would be accepted by the Minister.

As Western Australia is taking the lead (among all the States) in drafting uniform regulations, yesterday's meeting will slow down other States moving to drafted regulations.

It is planned to meet with the Director again in about two weeks.

Thanks for your note about Chris Hurford, I have made contact with his office - he is travelling, however, will probably speak with him this weekend.

Industry meetings with South Australian Opposition members, Democrats (anti) and The Speaker of the Legislative Assembly were reasonably positive. Each group was anxious to learn more about the impact such regulations would have on the retailers. A retailers group is being briefed this morning and will make representations next week.

The South Australian Government does not have to go to the polls until November this year; there is however speculation that they may go earlier (July) to capitalise on the Keating phenomenon of last week-end.

Last week I mentioned that there was a possibility that I would be in a forum to discuss this issue with three Premiers; that did not eventuate, however, I did discuss it with NSW Premier Fahey who is now inclined to send the matter back to the Ministerial Council (MCDS). I would prefer that this would not be the case and will work on having Fahey change his mind.

There is nothing further to report from the other States.

Kind regards

Phil Francis

cc: SCONNOR --VAU0002A Henry Goldberg WWEBB --VAU0002A William Webb
DHARRIS --VAU0002A Donald S. Harris

cc: RWA, HB, CF, DDa, MW

Australia P.2/2
Western ←
This doesn't sound good at all. Especially "WA taking the lead ---".
Points:
① WA is going ahead with warning labels despite court assurance.
② They are taking the lead !! This will spread elsewhere.
Don't want to sound alarmist BUT I am alarmed.
Any ideas what to do next?
My sense is in Industry leaders delegation to see Court is our last chance. I appreciate your views.
Closes 87.

20A5680525

Matthew Winokur (Director, Corporate Affairs, PMI) addressed Bible's concerns in a memo sent on 23 March 1993 stating¹⁷⁷:

"In brief, the strategy to block the West Australia proposal is threefold. First, to continue to get Kennett to push for the EC [ECC] labelling method as an alternative to the West Australia/Ministerial Council proposal. He has the eastern State Premiers with him and John Harvey, our political consultant who is close to Kennett (ran his successful campaign last fall) is working that route. Second, to see if John Bertrand can contact Court in WA to get him to back off. They are sailing friends. These third party initiatives are being complemented by the industry work. Phil is taking lead in WA in trying to buy some time. Harvey is meeting with David Davies and will also be forwarding an update to me and HP Goldfield*, who has been helping us on this project as well based in Washington, tomorrow".

The same day (23 March 1993), Webb sent a memo titled 'Australian Health Warnings' from the PM Asia/Pacific (Hong Kong) office to Bible in New York and a copy to Goldberg.¹⁷⁸ WA issues dominated the memo which documented that PM Corporate Affairs directors had been meeting with Maurice Swanson "Head of the Department of Health" to discuss "the warnings themselves and the logistical difficulties posed by implementation of the MCDS warnings".¹⁷⁸ Webb reported that Swanson had been "advised by the Health Minister, Foss, to listen intently to the industry and report back to him. It seems that the Premier has spoken to the Minister in strong terms regarding the industry position".¹⁷⁸ Webb noted that "many meetings" had taken place in WA and the MCDS proposal had remained stagnant since the Liberal Party had assumed office.¹⁷⁸ Webb reassured Bible that "there is time for further negotiation" as no date had been set for Parliament to reconvene.¹⁷⁸ A meeting with the Premier was not seen as appropriate until meetings with the Health Minister and his department were completed. Webb noted: "the opportunity will come later".¹⁷⁸ The memo concluded, "As you can see, the situation remains very fluid and is continuing to receive the urgent attention of PML management... We shall continue to keep you informed".¹⁷⁸

Bible sent David Davies (Vice President, Corporate Affairs – Australia, PM Companies Inc. as of February 1993) an inter-office correspondence from the PM USA New York office on 3 March 1993 detailing "some background from my perspective on our Australian business and... the main issues that I think you ought to occupy yourself with in Australia".¹⁴¹ Under the title of "more sensitive issues", Bible informed Davies "we need to deal with the West Australian labelling problem which has some chance of spreading to South Australia and the A.C.T. (Canberra). It is imperative that this initiative be stopped".¹⁴¹

On 23 April 1993 Webb wrote to Bible¹⁷⁹:

"The situation in Western Australia remains difficult because we cannot find the appropriate leads into the Premier... I would therefore summarize the situation as still precarious but not deteriorating... All concerned in Australia are well aware of the importance of the issue and a considerable amount of effort has been applied to address the situation" [emphasis in original].

Industry suggestions of amendments to the health warning legislation which would effectively water down the restrictions were set out by Webb in a memo to Bible on 16 July 1993.¹⁸⁰ Industry ideas included the "pack wrap" concept (i.e., wrapping that may be discarded) and the "plastic reusable cigarette case" (i.e., refillable pack); however, Webb acknowledged that it was "highly unlikely that the regulators will agree to amend" such provisions.

Donna Staunton (Chief Executive Officer TIA) sought advice from law firm Clayton Utz regarding possible legal grounds for challenging the "proposed Commonwealth tobacco labelling regulations".¹⁸¹ G. D. Eggleton, Partner at Clayton Utz, replied on 16 December 1993 with a discussion of whether the proposed regulations were beyond the power of the Trade Practices Act.¹⁸¹ Eggleton concluded that sections of the Act did not justify the proposed

* H.P. Goldfield was a former US Congress member and lobbyist based in Washington, DC. Goldfield was noted to be a personal friend of John Bertrand.¹⁵⁷ Webb WH. Philip Morris Asia/Pacific (Hong Kong). Western Australia - health warning regulations. 5 Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/wsi19e00>



requirement to display information about the "Quit line"[sic] on cigarette packs; however, the requirement to display information as to the tar, nicotine and carbon monoxide contents on the side of the pack was justified under the Act.¹⁸¹ Eggleton considered the proposed warnings and area of the pack to be occupied by warnings to be "reasonably open to argument" as to whether they were "excessive and beyond power".¹⁸¹

Industry opposition was effective in delaying the introduction of the new warnings. On 8 April 1994 the announcement that the WA government had deferred the commencement of labelling regulations from 1 April 1994 to January 1995 reached Webb and a large distribution list of international PM representatives including David Dangoor, Jan Goodheart, Craig Fuller, Henry Goldberg, Murray Bring, Matthew Winokur, Nerida White, Ted Lattanzio, Geoff Bible, Michael Miles and others.¹⁸²

Generic Packaging

A WA newspaper article (11 Dec 1994) titled "WA Health Minister wants a generic packaging for cigarettes" publicly reinforced WA Health Minister Peter Foss's anti-tobacco stance by reporting on his call for generic packaging for tobacco products.¹⁸³ Foss made the public statement as he unveiled the new series of health warnings which were required to be displayed on cigarette packs from 1 January 1995. Foss stated: "I also believe we should be moving towards generic packaging for tobacco products. Generic packaging will remove the tobacco industry's ability to promote their products to young people through attractive images and lifestyles".¹⁸⁴

An R.J. Reynolds Tobacco International document from March 1993 listed the topics of discussions R.J. Reynolds engaged in with Rothmans Australia "regarding the primary issues facing the industry in Australia".¹⁸⁵ Topics included the "potential for generic packaging 'only' to be allowed (Western, Australia)".¹⁸⁵

In a memo outlining the status of pack labelling regulations in Australia in July 1993, David Davies (Vice President Corporate Affairs, PML) informed William Webb that "W.A. and the A.C.T. did attempt, without success, to secure a further commitment for generic packaging".¹⁸⁶ Davies further stated¹⁸⁶:

"Recognising that legislation to implement the recommendation will be advanced very quickly in W.A.... we are immediately contacting Health Departments to demand detailed specifications for the packaging changes on an expedited basis so that we can assess our ability to conform to the required changes in the most cost effective manner possible. We will also be seeking to secure sunshine clauses in the legislation to preclude for as long as possible any further changes to our packaging".

The PM Asia/Pacific three year plan for 1993-1995 stated that "Marketing freedoms are under extreme pressure in every important market in the region, and especially in Australia, where the spill-over from generic packaging and labelling proposals could impact other markets".¹⁸⁷

A booklet prepared for employees of PML in 1995 identified generic packaging as being considered by some in Australia as "the next step".¹⁸⁸ The booklet noted that generic packaging was "being advocated by the Western Australian Health Minister and by the Canadian Government"¹⁸⁸.

The federal government decided not to pursue generic packaging in 1995.^{142, 189}

From the authors, recipients and tobacco industry personnel mentioned in the documents, it is clear that the issue of strengthened health warnings on cigarette packaging in Australia, with specific interest in WA, had the highest level of attention within PM. Previous research citing tobacco industry documents confirms the strong resistance of the tobacco companies to Australian moves to implement comprehensive health warnings on cigarette packs.⁹ This was at a time when preparations were being made for the BIRC case in WA, another potentially significant event for the tobacco industry which received significant attention from senior ranks of PM [*Bond, Stafford & Daube in preparation*].

3.3.5 Listing Nicotine as a Poison

In October 1995, the WA branch of the AMA in collaboration with ACOSH made a submission to the WA Poisons Advisory Committee (PAC) requesting that the exemption for nicotine in tobacco products be lifted from the WA Poisons Act.¹⁹⁰ Prior to the submission, the media monitoring publication 'TMA Executive Summary' reported in June 1995 that WA Health Minister Graham Kierath was considering the AMA's plan to list nicotine under the Poisons Act if such a move could be proven to prevent youth smoking.¹⁹¹ Kierath was also reported as considering a ban on smoking at such a time when the WA smoking prevalence fell below 10%.¹⁹¹

Tobacco industry media gathering resources monitored the issue in the press. An AMA media release dated 26 November 1995 signalled the launch of a national campaign by AMA, ASH, ACOSH and the Australian College of Paediatrics to have nicotine listed as a poison in the Standard for the Uniform Scheduling of Drugs and Poisons.¹⁹² The media release was sent with a memo the next day from Wills Australia Corporate Affairs department to a distribution list of BATCo staff.¹⁹³ An 'Infotopics' media monitoring report for November 1995 summarised an article in The West Australian titled "Doctors seek poison tag on smokes"⁵¹ The article reported on the call from the WA branch of the AMA, supported by the WA Health Minister, to address the "historic accident" that allowed nicotine in tobacco products to be exempt from Schedule Seven of the poisons listing.

Communications between Australian tobacco industry representatives^{190,194-197}, primarily from PM, sent in late 1995 discussed strategies to prevent the listing of nicotine which had the strong support of the WA Health Minister.¹⁹⁸ International tobacco industry correspondence discussed the potential poisons listing which was being debated around Australia.^{199, 200}

A WRA 'privileged and confidential' attorney-client communication from December 1995 discussed the campaign by the Australian health organisations to declare nicotine as a poison.^{20, 201} It noted that a submission had been made to the WA Health Minister and the PAC, with Kierath having stated that proposals on the topic would be considered "favorably".²⁰ It further noted that the Australian tobacco industry had written to Kierath asking to be consulted on the matter.²⁰ WRA assisted the Australian industry with the preparation of response papers.²⁰ A handwritten notation read, "Roger: I think Canada has recently repeated this approach. Could be helpful in Australia".²⁰

The poisons scheduling of nicotine was discussed as a 'critical issue' at an Australian CORA taskforce meeting in February 1996 attended by Wills Australia and BAT representatives from Australia, New Zealand, the UK and US.²⁰² The group's stated objective was to prevent the scheduling of nicotine in tobacco products. The significance of the potential listing was viewed in terms of the "ramifications on BAT's regional and global markets".²⁰² The report stated, "This is part of an international conspiracy to 'get us'!!!".²⁰² Strategic options to achieve the objective were listed in meeting documents.²⁰²

On 22 June 2000, James Prince (Assistant General Counsel, PM Management Corporation) sent two PM USA directors an urgent memo regarding a proposed response prepared by Eric Windholz to the WA Tobacco Action Plan which included provisions to "support the scheduling of nicotine in tobacco as a poison". Urgent comments were sought from colleagues.²⁰³

Nicotine in tobacco remains exempt from Schedule Seven of the WA Poisons Act.

3.3.6 Public and Indoor Smoking Bans

Tobacco industry media monitoring publications communicated WA newspaper coverage of legislative attempts to restrict smoking in enclosed public places. The long road to indoor smoking bans in WA provides a good example of strategies implemented by the tobacco industry and their allies in the hospitality sector to obstruct and weaken legislation. Advocacy for indoor smoking bans anywhere in the world has generally been met with strong opposition by the tobacco industry and their allies.²⁰⁴ These industry groups call for policies to accommodate smokers and non-smokers using ventilation strategies.²⁰⁵⁻²¹⁰



Indoor smoking bans were enacted by the Commonwealth in the late 1980s and early 1990s:

- Commonwealth Department of Health (December 1986)²¹¹ followed by Commonwealth departments and buildings (March 1988)²¹¹
- Buses and coaches registered under the federal Interstate Registration Scheme (1988)²¹²
- Domestic aeroplane flights (1987)⁴ and domestic sectors of international flights (September 1990)⁴
- All flights of Australian carriers anywhere in the world⁴ and on overseas carriers flying within Australia (1996).

Around this time, other public sector organisations became smoke free including the Australian Broadcasting Corporation and the Australian Federal Police.⁴

A SHB 'current regulatory developments' report published in October 1994 captured media attention to the implementation of a ban on smoking in WA's home of baseball, Parry Field.²¹³ It was noted as the first time smoking had been banned in an outdoor sporting venue in Australia. The report outlined that smoking had also been significantly restricted at another major WA sporting venue, Subiaco Oval.²¹³

A Taskforce on Passive Smoking in Public Places was established by the WA Minister for Health, Kevin Prince, in August 1996.²¹⁴ The Taskforce was convened on the basis that "there is now conclusive scientific evidence and substantial public concern about the health risks for non-smokers exposed to tobacco smoke".²¹⁵ In 1997, Labour Relations and Health Minister Graham Kierath gazetted regulations to ban smoking in most enclosed workplaces from August 1998.²¹⁶

The 'Smoking Issues Status Book Legislative Bulletin' compiled by the TDC in July 1997 reported on the proposal to prohibit smoking in all enclosed workplaces in WA.⁴⁶ The report noted that WA Premier Richard Court would finalise the decision on "tough new workplace smoking bans" in WA only after a sub-committee examined the report of the passive smoking Taskforce and further consultations were conducted with the hospitality and "other affected industries". The media summary mentioned indications that smoking would be banned in all enclosed workplaces in WA, including hotels, restaurants and nightclubs (with some exemptions for the latter) from August 1998 through provisions of the Occupational Health and Safety Act.⁴⁶

A report of Taskforce deliberations was published in October 1997.²¹⁵ A copy of the report is held on the PM document archives.²¹⁷ The Taskforce recommended that "there be a legislative requirement for all enclosed and confined public places and workplaces in Western Australia to become smoke-free areas from 1 August 1998".²¹⁵ The majority of hospitality venues were to be smoke-free from 1 August 1998. A transition period would be granted for bars and lounges where alcohol but not food is served and the BIRC whereby smoking would be permitted in limited, separate indoor areas until 1 August 1999.²¹⁵

The 'PMI Corporate Affairs Weekly Highlights' memo dated August 1997 reported on a survey of the WA public commissioned by the AMA which found that 68% of respondents would prefer smoke-free pubs, and 88% of respondents believed that all employees should be protected from second-hand smoke.²¹⁸ The memo noted that the survey findings were contradictory to the hospitality industry's opposition to proposed smoking bans in WA.²¹⁸

In February 1998, Mary Pottorff (Director, WRA, PM Management Corporation based in New York) received a fax from Donough O'Brien, Chairman Spring O'Brien in London (communications analysis and issue management), which noted "it looks as if the Western Australia Hotels Association is conducting a last ditch (and no doubt, ill-equipped) campaign to avert a ban" [Note. This document is incorrectly dated 4 Jan; it should read 4 Feb].²¹⁹ O'Brien forwarded a note to Pottorff that he had received from "a young lawyer friend who works in Perth", Jean-Pierre Douglas-Henry. It read²¹⁶:

"I attach a copy of an article which appeared today in one of the metropolitan daily newspapers relating to proposals for smoking in public places in Western Australia. As I understand it, some elements within the State Government favour a total ban on smoking in public places. Various interest groups are lobbying vigorously against any such move, including the WA Hotels Association and the State's Tourism Council. If you are not already aware of these matters, they may influence your thinking about introducing Courtesy of Choice in Australia²¹ and, in particular, in Western Australia?"

Douglas-Henry attached an article from *The West Australian* (4 February 1998) titled "Hotels bid to stave off total smoking ban".²¹⁶ The opening sentence of the article read "The WA Hotels Association agreed yesterday to accept some smoking restrictions in hotels and taverns in a bid to avert a total ban".²¹⁶ Regarding the plan to make only meal areas in some pubs smoke-free, rather than most enclosed workplaces, the article noted the views of WAHA Executive Director Bradley Woods who was summarised as saying: "it was a reasonable and effective solution which was in the public interest – unlike a blanket ban which he said would devastate the hospitality industry".²¹⁶ The *West Australian* article was also summarised in the February 1998 edition of the TDC publication *Smoking Issues Status Book Legislative Bulletin* which covers worldwide legislative issues concerning the tobacco industry.²²⁰

An article in *The West Australian* was listed in a daily news bulletin from 9 March 1998 in the BAT document archive.²²¹ The article reported that a recently released European study, which apparently found no evidence to suggest that passive smoking causes lung cancer, could potentially impact on the WA government's decision to prohibit smoking from all enclosed workplaces from 1 April 1998. A statement from the AMA noted that if the reported findings were genuine, they would need to "rewrite all the medical text books".²²¹

On 27 April 1998, Mark Friedman (Assistant General Counsel, Legal, PM Management Corporation) sent Mark Berlind (Senior Assistant General Counsel, WRA, PM Management Corporation) a memo updating him on the WA ETS Taskforce.²¹⁰ Berlind was reminded that PM had submitted a response to the WA Taskforce report on ETS arguing for solutions to accommodate smokers and non-smokers without imposing "unreasonable smoking restrictions or bans in public places or the workplace".²¹⁰ In the week prior to the communication, the WA Cabinet had supported Taskforce recommendations to permit smoking in casinos, bars and clubs, subject to some restrictions.²¹⁰ This created a stand-off between Cabinet and Labour Relations and Health Minister Graham Kierath, as Kierath had intended to ban smoking in hospitality workplaces.²¹⁰

Industry awareness of Keirath's commitment to the legislation was reinforced in a SHB regulatory developments report for 15 May 1998 where he was described as "the major proponent" of the proposed legislation.³⁸ In response to Bradley Woods' request on behalf of the WAHA that a two-year delay be granted before bans are introduced because "the industry cannot tolerate a workplace smoking ban", Keirath dismissed any compromise stating: "We're not talking about comfort – we're talking about a health hazard to employees".³⁸ With restrictions planned to take effect 1 August 1998, the WA state cabinet was described as "still divided" with Premier Richard Court warning the Legislative Assembly that "there is no way that we can...in practical terms, stop smoking in the front public bar".³⁸ The report noted support for the legislation from the Catering Institute of WA.

The 10 December 1998 edition of 'Today's News' daily media monitoring service (held in the BAT archives) summarised an article from *The West Australian* reporting on tobacco control legislation introduced to WA government by the Labor Party (in Opposition at the time), Democrats and Greens which would see smoking banned in public places from 29 March 1999, with exemptions given to hotels, restaurants and the BIRC.²²² Exemptions for hospitality venues would be limited to smoking being allowed in one room per venue. Fines were to be imposed by local councils who would be required to monitor compliance.²²²

In February 1999, Denise Keane (Senior Vice President and Associate General Counsel, WRA, PM Management Corporation; based in New York) sent correspondence to Murray Bring (Attorney; Vice Chairman, External Affairs and General Counsel, Board of Directors, PM) summarising WRA activities for January 1999.²²³ Bring was informed that WRA had at the request of Corporate Affairs, "reviewed and commented on" correspondence to "selected" WA legislators concerning the ongoing parliamentary debate regarding ETS and smoking restrictions.

New workplace smoking restrictions were implemented in WA in early 1999.²²⁴ The amendments to the *Occupational Safety and Health Regulations 1996* required that any employee, self-employed person or employer must not smoke in an enclosed workplace.²²⁵ On 29 March 1999, *Health (Smoking in Enclosed Public Places) Regulations 1999*²²⁶ commenced which followed the recommendations of the Taskforce on Passive Smoking in Public Places.²¹⁷ The legislation prohibited smoking in enclosed public places including shopping centres, restaurants, food halls and sporting venues.²²⁶ Exemptions were allowed for the BIRC, nightclubs, hotels, bars and cabarets.²²⁶



The TMA 'World Alert' for 30 August 2000 reported on a concert held by the WA Youth Orchestra titled 'Smarter than smoking babies prom' to promote smoke-free environments for enjoying music.²²⁷

Media summary publications distributed by the TMA in 2004 and 2005 reported on efforts by WA health organisations and the WA Health Minister to push for further smoking restrictions.^{50, 228, 229} Jim McGinty, WA Health Minister, was noted as confirming that bans on smoking on beaches, children's playgrounds and outside office buildings would be considered by the government in late 2004.²²⁸ McGinty's commitment to tobacco control was reinforced in his comment that government need not wait for the review of smoking laws scheduled for 2005 to ban smoking in pubs and clubs and impose restrictions in outdoor public areas.²²⁸

Stephen Hall, ACOSH Director, and Denise Sullivan, Cancer Council WA spokesperson, publicly supported a move by the WA liquor licensing director to prohibit smoking in Perth restaurant Nine Mary's when it applied for a special liquor licence, ahead of the proposed smoking bans in licensed premises to begin from the following year.⁵⁰ The move was considered the first time in Australia that smoking had been banned in a new tavern. Hall and Sullivan noted that the decision reinforced community support for smoke-free premises and supported the expectation held by many that smoking restrictions would not be a liability for proprietors.⁵⁰

Advocacy from the WA branch of the AMA for a ban on smoking in cars carrying children was also reported in a 2005 TMA media summary with the supporting statement that "although adults are protected from environmental tobacco smoke in taxi cabs, children are not given similar legal protection".²²⁹

3.4 Political Monitoring

The tobacco industry demonstrated a continuing interest in the state and federal political environment in Australia. This section serves to illustrate the importance of political relationships to the tobacco industry and efforts to cultivate relationships through flattery and donations. It should be noted that despite the tobacco industry's efforts, governments from both sides and politicians from all parties have played significant roles in reducing smoking.

In August 1982, Peter Macadam (Chairman, BAT Industries) and Patrick Sheehy (Vice Chairman and Chairman designate, BAT Industries) each sent Sir Charles Court, WA Premier until January 1982, a letter^{230, 231} in response to letters Court had previously sent them.²³² Macadam thanked Court for attending a BAT meeting and wrote: "It was nice to read the kind comments that you made in your letter and I can but say in reply that we felt most honoured that you were able to attend our meeting, which allowed us to learn so much about Western Australia and the great advances that that part of the world has made under your guidance".²³⁰ Sheehy thanked Court for his letter which wished him well on his new appointment (Chairman-designate, BAT Industries) and confirmed that he would try to make arrangements to meet with Court when he was next in WA.²³¹

In a memo to Hamish Maxwell (19 September 1983), Geoff Bible attributed the increase in SLF in WA from 12.5% to 35% to the election of Labor Governments in states and federally.⁷⁷ Bible noted: "In the past six months with the ascendancy of the Labor Party into four state governments and the federal Government, the opposition to our industry is becoming much more intense than we had anticipated". The propensity of tobacco control initiatives to spread to other states was evidenced in Bible's reference to the increase of the SLF in Tasmania; "...the precedent established by Western Australia and South Australia is what caused them to increase fees".⁷⁷

The memo from Bible gives a noteworthy insight into the significance of the political party in power to the tobacco industry.⁷⁷ Further expressing his distaste for the rise of the Australian Labor Party, Bible noted that the Standing Committee of Health Ministers "which is now dominated by Labor Health Ministers" had given the tobacco industry "rough treatment" in regard to a revised draft of the voluntary code on advertising he considered "unacceptable". Bible's position was based on his understanding that the voluntary aspect of the code would be removed in favour of government regulation. Bible summarised the recent SLF increases, anti-advertising Bills and revised advertising code as a "fairly sudden acceleration of the difficulties with which the industry is confronted".⁷⁷

In the memo, Bible described the Queensland National Party (QNP), in power at the time, as the industry's "last bastion of help".⁷⁷ However, it too was under threat with an upcoming "unexpected" election.⁷⁷ Bible believed there was a "reasonable chance" the Labor Party would win power, a situation he saw as a "major setback in our industry because his [Joh Bjelke-Petersen's QNP] Government has been the only Government which has given us complete support". If the Labor Party did come to power, Bible expected they would act on both a SLF and an anti-advertising Bill for Queensland. Bible requested permission from Maxwell to send a donation on behalf of PM to support the QNP, ultimately to protect tobacco industry interests in the state.⁷⁷ The contribution to the QNP's state electoral campaign fund was requested to be up to AUD\$8,000, following 1980 and 1982 donations of \$4,000 and \$6,000 respectively. Bible noted that "political contributions in Australia are legal, customarily are not disclosed and are not tax deductible. Such contributions by corporations are customary and are an important part of the funding of political campaigns in the country".⁷⁷

A PM 'weekly highlights' memo from William Webb to Richard Snyder (PMI) on 6 July 1984 noted the upcoming National Conference for the Australian Labor Party.¹²⁰ Webb wrote "Contacts within the party have told us there is no cause for alarm regarding the Party's attitude to tobacco advertising. Philip Morris has continued to make a contact within the State delegations to seek support".¹²⁰

The documents also reflect the industry's interest in specific appointments of high-ranking health officials. On 18 February 1993, Phil Francis sent Bible a status report on health warnings and contents labelling.¹⁰⁹ Francis wrote: "Premier Court's new Ministry took up office February 16, Peter Foss a 46 year old Barrister and Solicitor is Minister for Health, Arts and Consumer Affairs. This appointment is considered "reasonable" for the Industry".¹⁰⁹ In a similar manner, a TMA 'World Alert' publication from 15 November 2000 reported on the appointment of Ian Fletcher as the head of the Northern Territory Health Department.²³³ The report noted that prior to the appointment, Fletcher had held senior positions in Richard Court's government and had been principal of Fletcher Rowe, a Perth-based consulting firm that had PM as a client.

A May 1994 presentation of the forecast for the Australian Tobacco Business described the political climate as the "worst" in WA.²³⁴ The presentation, delivered in New York by Henry Goldberg stated: "In relation to our industry, Liberal governments vary from the responsible in Victoria to the hysterical in Western Australia".

A July 1998 'Infotopics' report noted that Liberal Minister for Labour Relations Graham Kierath had introduced regulations to ban smoking in all workplaces, regulations which reportedly did not have the support of other government members.²³⁵ The report stated that Kierath risked being demoted because he "snubbed protocol by refusing to sign off amendments to watered down antismoking regulations".²³⁵

The tobacco documents provide clear evidence that the companies were concerned to ensure regular political monitoring and well as media monitoring. This related to both general trends and specific issues, such as health warnings and further curbs on advertising and promotion.

3.4.1 Political Donations

A TMA 'World Alert' publication from 29 September 2004 featured a summary of an article from *The West Australian* which reported that ACOSH and the WA branches of the National Heart Foundation and Cancer Council had called on the Labor and Liberal parties to redirect donations they have accepted from tobacco companies to public hospital patients suffering an illness caused by smoking.²³⁶

In one financial year (2002-03), the Federal Labor and Liberal parties were reported to have received a total of almost AUD \$100,000 from tobacco companies.^{145, 236, 237} At the WA State level, the parties had accepted AUD \$5,000 each.²³⁸⁻²⁴² *The West Australian* article noted that the Federal and WA State Labor parties had announced their decision not to accept any future donations from tobacco-related companies.²³⁶ Political donations have been a well-recognised form of lobbying for a long time; however, as of 2008, the Australian Labor Party, Australian Greens and Australian Democrats have recognised the inappropriateness of accepting tobacco company donations and have formally refused to do so.²⁴³



3.5 Public Education Campaigns

During 1983 and 1984, representatives of PML including Geoff Bible and Jack Sporton sent regular "weekly highlights" memos to Hamish Maxwell in the PM New York office.^{73, 137} In one memo dated 29 July 1983, Bible informed Maxwell of the three year, \$6 million anti-smoking campaign planned by the WA government, to be funded by the 25 cent increase in the SLF.⁷³ At the time of the memo, Premier Burke had opened the campaign with advertisements aimed at preventing youth smoking.⁷³ The Tobacco Institute later made a formal complaint to the Advertising Standards Council over the WA government advertising relating to juvenile smoking.¹¹¹

By late September 1983, evidence of the success of recent tobacco control initiatives had surfaced.¹¹⁴ Bible considered the increase of the SLF to 35% and the "heavy" anti-smoking campaign implemented by the government to be "major contributing factors" to the fall in sales of 15% to 20% in WA.¹¹⁴ While Bible conceded that the figures may have been an exaggeration, he described the trend as "nevertheless very worrying".¹¹⁴

WA's first smoke free day campaign - the 'Give it away for a day' campaign - was held in November 1982.²⁴⁴ The campaign, initiated by the National Heart Foundation, facilitated the establishment of the Quit Campaign.⁴ A Campbell-Johnson Limited media monitoring report²⁴⁵ from December 1983 summarised an article from the British Medical Journal which reported that the annual 'Great American Smokeout' encouraged WA to hold its smoke free day.²⁴⁶ It was noted that more people gave up for the day in WA compared to the US, but a similar number remained smoke free.²⁴⁵

Print-media monitoring publication 'BATCo Press Cuttings' featured an article from *The News & Travel* from May 1984 titled 'WA takes on cigarette companies at own game'.¹⁹ The article detailed the move by the WA government to "turn its anti-smoking campaign into an unprecedented multi-million-dollar programme of behaviour modification". The first stage of the \$6 million campaign was television, radio and newspaper anti-smoking advertisements, described as "the most intensive behaviour modification programme of its type attempted anywhere in the world". The article noted that the state levy applied to cigarettes in WA made them the most expensive in Australia at the time.

The BAT document archive features a BBC Broadcast report on a program aired in April 1984 which reported on the tobacco control movement in WA including BUGA UP (Billboard Utilising Graffitiists Against Unhealthy Promotions) and the Labor governments anti-smoking campaign.²⁴⁷ Premier Burke outlined the "very comprehensive anti-smoking campaign" targeted at youth which was funded by the increased excise on tobacco products.²⁴⁷ A letter of complaint followed the broadcast from the London-based Tobacco Advisory Council due to the unbalanced portrayal of BUGA UP activities which they feared would entice similar behaviour in the UK.²⁴⁸

The July 1985 edition of the New York State Journal of Medicine featured an article titled "Western Australia gives health promotion the nod".²⁴⁹ The three year 'Smoking and Health Project' (later renamed the Quit Campaign) which was to receive \$6 million of earmarked tobacco taxes was described as "the world's wealthiest anti-smoking program per capita".²⁴⁹ The project targeted children experimenting with smoking through a comprehensive educational mass media campaign. The article outlined the disparity between the advertising budget of tobacco companies, \$5 per Australian, and the budget for anti-smoking advertising, 80 cents per Australian.²⁴⁹

The WA Smoking and Health Project was further discussed in a 1988 trip report by Swedish scientist Ragnar Rylander (see section on Ragnar Rylander below).²⁵⁰ Rylander noted that about AUD\$90,000 was available in 1988 to fund grants for smoking cessation programmes, community education and policy development.²⁵⁰

The PM archives hold a letter from Maurice Swanson, Director of Health Promotion Services, to the Chief Executive Officer of PM Companies Inc. in New York.²⁵¹ The letter was to notify the owner of the copyright for Marlboro cigarette advertising materials that television advertisements reproducing these copyrighted materials would be broadcast "for public health education purposes" throughout WA in 1994. David Davies' weekly report on Australian issues in June 1994 informs the international list of PM representatives of the WA Department of Health's advertising campaign featuring the Marlboro advertisements and Davies' request for copies of the materials.²⁵²

The participation of former cigarette models in Quit campaign advertisements produced in WA was reported in the June 1994 edition of the ACOSH newsletter which is held in the BAT document archive.²⁵³ The advertisements featured the slogan “Don’t get sucked in” and were aired in various Australian states.

An ‘Infotopics’ media monitoring report summarised a September 1996 article from *The West Australian* regarding interest from the Indonesian Network of Women Against Tobacco in using WA tobacco control strategies as a “model for action” against cigarette manufacturers in Indonesia.²⁵⁴ The group planned to use the Quit advertisements from the WA Department of Health in Indonesia, with particular interest in the tar lung advertisement.

3.5.1 Youth Smoking Prevention

An April 1983 status report on “anti-industry activities” in Australia prepared for PM provided a state and federal update on government members tobacco stance and tobacco control initiatives.⁷² The document reports that legislation was being drafted in WA to increase fines for selling cigarettes to minors.

An ACOSH media release from 20 December 1988 titled ‘Children like cigarette ads better than other ads’ was retrieved from the PM archives.²⁵⁵ The media release details research findings of a survey of 300 school children aged between 10 and 15 years. The study examined compliance with the voluntary cigarette advertising code administered by the Advertising Standards Bureau and assessed the appeal of tobacco product advertisements to children. Ruth Shean, Director of ACOSH at the time, stated “...underneath there must be enormous satisfaction about the success of their marketing strategies as shown by our research”.²⁵⁵ In the study eight out of ten adolescents recognised the cigarette advertisements, compared to seven and two out of ten who recognised the jeans and drink advertisements, respectively.²⁵⁵ Further, 87% of participants thought the model in the cigarette advertisement was under 25 which was in breach of the voluntary advertising code.²⁵⁵

In contrast, an ‘Infotopics’ media monitoring report from July 1990 summarised the results of a youth survey from Perth newspaper, the *Sunday Times*.²⁵⁶ The survey of WA students found that “alcohol and cigarette advertising do not have a major effect on most young people in Australia”.

‘Infomat’, a customised information service²⁵⁷ contracted by BAT²⁵⁸ summarised a newspaper article in *The Australian* from 1 Oct 1993 alongside articles from Denmark, Sweden and UK.²⁵⁹ The article reported on a study conducted by the WA Department of Health which found that a new cigarette brand which was named ‘Harley Davidson’ that featured a motorbike insignia on its packaging appealed to youth. AMA WA President Dr Keith Woollard noted that Winfield’s sports sponsorship was a responsible factor in the brands popularity with under-age smokers.²⁵⁹ The report noted that 40% of cigarettes sold to youth were from vending machines and that youth preferred brands with well known logos.

Information about WA youth smoking prevention campaigns was also gathered at international health conferences.²⁶⁰ R.J. Reynolds representatives summarised the presentations given at an October 1993 meeting of the American Public Health Association which included a session titled “Western Australia Smoking-Prevention Campaign Targeting Youth 9 to 12”.²⁶⁰ The session covered Australian tobacco control legislation, anti-smoking campaigns and details of “The Big Smoke” youth smoking prevention campaign.

A PM Corporate Affairs global ‘weekly highlights’ update from late September 1994 reported on the WA youth smoking prevention program titled ‘Inter Galactic SmokeWatch’.²⁶¹ Under the heading ‘Australian Advocacy Initiative’, the report listed the campaign developed by the WA branch of the National Heart Foundation which was soon to be introduced into 800 WA schools.



3.6 Tobacco Industry Funded Scientists and Research

3.6.1 Ragnar Rylander

Ragnar Rylander, Professor of Environmental Medicine at the University of Gothenburg, Sweden, spent a sabbatical month at the University of Western Australia in February 1988. It was unknown at the time that Rylander held a generously-funded consultancy role with PM.²⁶² Until Rylander's long-standing association with PM was discovered in internal tobacco industry documents released as part of the MSA,²⁶² the deception of the academic and scientific community in WA and beyond had been maintained. During the 1980s and 1990s, Rylander met with and worked alongside many respected WA academic and scientific individuals and organisations, including the Institute for Child Health Research.²⁶³

Rylander prepared a report for PM documenting his 1988 visit, titled 'Smoking and health activities in Western Australia' (see Figure 9).²⁵⁰ The cover of the report reads "For the confidential use of Dr T .S. Osdene and associates only".²⁵⁰ Dr Thomas S. Osdene was the Director of Science and Technology at PM USA.²⁶⁴ Osdene received the report on 13 April 1988 with a memo from Rylander which read: "I hope the material is to your satisfaction".²⁶⁴ In the memo, Rylander also suggested future dates to "further discuss the Australian experience".²⁶⁴

The report documents Rylander's views on the state of tobacco control in WA. Rylander's report contained observations regarding the legislative process in Australia: "A special situation exists in Australia in that legislation of various kinds can be put in force although no regular hearings have been made".²⁵⁰ He further observed the typical spread of tobacco control initiatives between states: "Once legislation is introduced in one state, there is also a strong tendency for others to follow...".²⁵⁰ Rylander noted that WA did not receive economic incentives from the tobacco industry, as the state's financial emphasis was on industry, mining and agriculture other than tobacco growing.

Regarding tobacco control advocates Rylander reported: "The local scenery is characterised by the presence of a very active anti-smoking public health officer (Michael Dob) [sic], seconded by his wife Ruth Sheun [sic]".²⁵⁰ Rylander credited the "presence of a strong power connected to the Minister of Health, together with the absence of an economical linkage with the tobacco industry" for the "broad and far reaching measures aimed at counteracting tobacco smoking" that WA had adopted.²⁵⁰ Further emphasising the willingness of the WA government to act on behalf of the public's health, Rylander wrote "The Health Department of Western Australia, under the initiative of Michael Dob [sic], pushes an active programme for smoking control initiatives".²⁵⁰ The report referred to tobacco control initiatives advocated by the WA Department of Health and health groups including taking over "the role of the tobacco industry as promoters [sic] for sporting events" and banning cigarette advertising.²⁵⁰

Rylander discussed the debate in Australia regarding the acceptance of research funding from the Australian Tobacco Research Foundation, an organisation Rylander described as "an independent research body with high quality researchers on its advisory board".²⁵⁰ Rylander wrote that "the current view is that tobacco industry related money should not be accepted". He stated: "Much of the imbalance in the present situation in Western Australia is due to the heavy impact of the Health Department and the absence of a balanced scientific impact".²⁵⁰ Rylander called for further "basic research on tobacco and health related problems" and funding for such research activities.²⁵⁰

Appended to the report was a list of "persons with whom discussion were held". The list features tobacco industry affiliates, Blair Hunt (Tobacco Institute, Sydney), Brian T. Wilson (Tobacco Institute, Clayton Utz), W. Allan Crawford (Consultant, Sydney), J. R. Johnstone (University of Western Australia), and a respected health representative, Maurice Swanson (Health Department of Western Australia).

Inter-office correspondence from Charles R. Wall (PM Companies Inc. based in New York) to Murray H. Bring on 23 July 1992 discussed the dissemination of research funding for 1993 in various countries.²⁶⁵ Under the heading of "Philip Morris USA", the memo stated "Philip Morris maintains consultancies with...Ragnar Rylander...our relationship with Ragnar Rylander has proved beneficial to the Company, and should continue, i.e., \$150,000 per year".

Rylander's relationship with PM continued into the 1990s where it remained covert. Rylander documented his trip to Perth in February and March 1998 in a report to Richard Carchman, Vice President of PM Scientific Affairs.²⁶³ Rylander's activities appear to be focussed around highlighting and establishing credibility for alternative causes of respiratory symptoms caused by smoking including exposure to moulds and organic dusts.²⁶³ Rylander wrote about "useful" discussions with Worksafe WA where he reported results from "our ETS and population study" (our possibly referring to PM funding) which "clearly demonstrated the importance of dietary factors which influence disease risks".²⁶³ Regarding Worksafe WA's activities, Rylander reported "The emphasis on ETS in the work of the Agency is less pronounced compared to a few years ago and it is now concentrating on a program for education on Internet. I have volunteered to write about organic dusts and also about indoor environments with particular emphasis on mold exposures".²⁶³

Rylander met with the WA branch of the Australian Thoracic Society and reported that "the concept that molds indoors is an important factor for children's disease is gaining acceptance".²⁶³ Rylander engaged in discussions with the Institute for Research on Child Health where he was updated on research relating to children's immune function.²⁶³ He believed the information could be applied to a forthcoming workshop and research on children and mold in indoor air. In summary, Rylander described his trip to WA as "a very worthwhile visit in spite of the endless hours on different airplanes".²⁶³

The PM collection of tobacco industry documents contains records of correspondence between Rylander and Martin McKee, Editor in Chief of European Journal of Public Health (EJPH), dated between June 2000 and March 2001. The correspondence concerned Rylander's potential conflict of interest in authoring a paper published in the EJPH in 1999 regarding the potential confounder of diet in studies of second-hand smoke health risks.²⁶⁶ McKee highlights concerns with Rylander's independence in light of the internal PM documents publicly available as a result of the MSA. A substantial number of documents evidence Rylander's significant involvement with PM and tobacco industry-funded organisations.²⁶⁷ McKee and Anita Kallin (Managing editor of EJPH) maintained pressure on Rylander for full disclosure and explanation of his links with PM.^{267, 268} McKee requested²⁶⁷:

"...full details of all payments received from the tobacco industry or from organisations receiving funding from the industry since 1970 so that our readers can make an informed judgement on your comments. In particular, you may wish to refer to correspondence with Thomas Osdene and, more recently, with Margaret Opocensky, at Philip Morris".

The debate was also played out in the editorial and letters sections of the EJPH.²⁶⁹⁻²⁷¹ Unsatisfied with Rylander's explanation, McKee stated in a letter to Rylander on 28 November 2000²⁷²:

"I regret that I feel that your letter falls far short of a full statement of competing interests. Specifically, you have not indicated the precise scale of the payments. As I indicated previously I have not yet had time to go through all 16,000 documents in which you are referred to on the Philip Morris website but it is not clear to me how what you describe as a "salary for one technician and materials" relates, for example, to the confidential report that you wrote for Dr Osdene about "smoking and health activities in Western Australia" in April 1988. I would welcome your comments on precisely what that report sought to achieve".

Rylander responded in a three-page letter to McKee on 18 December 2000²⁷³:

"While I consider that your first reaction in the Journal, particularly in view of the comments from Dr Hedley [letter to editor²⁶⁹], were appropriate. I think that you have now moved into a rather inquisition-like mood... After travel, funded by Philip Morris, it is obviously appropriate to write a report on experience collected".

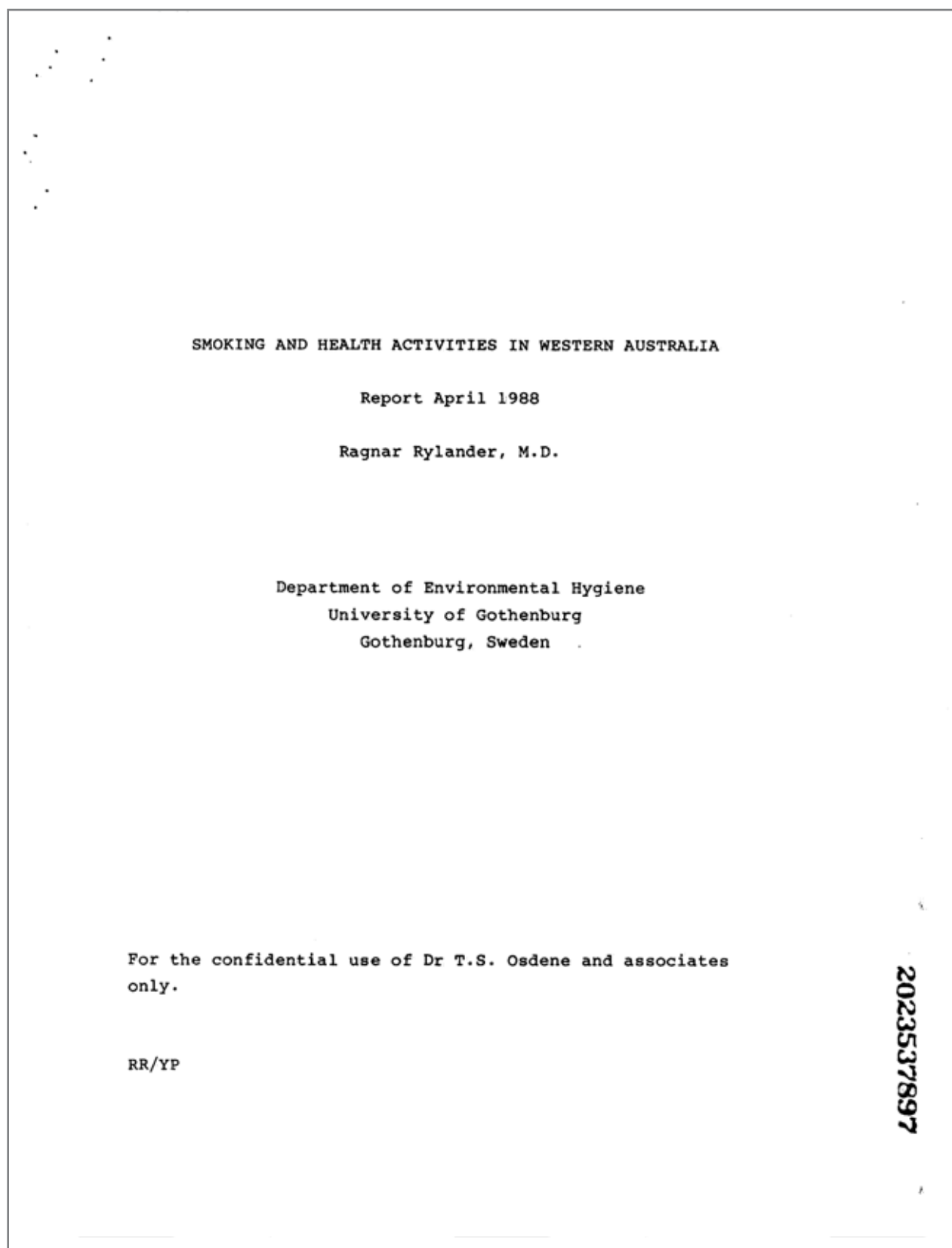
On 6 February 2001, McKee wrote to Rylander noting that there were "...questions that remain outstanding, such as your response to my queries on the report you wrote on smoking activities in Western Australia".²⁷⁴ McKee noted that it would be appropriate to involve the journal's ombudsman in order to resolve the situation.²⁷⁴



Rylander returned to Perth in March 2001. His trip report which is held in the PM archives, described the purpose of the trip as being to "accumulate recent information on mechanisms responsible for airways inflammation" and "the importance of environmental sampling procedures".²⁷⁵ His time in Perth was mostly spent at the Institute for Child Health Research. Rylander noted having collaborated with the Institute for more than 25 years and commended their "outstanding record". Rylander sent the trip report to Richard Solana of PM Worldwide Scientific Affairs on 16 March 2001.²⁷⁶

The health professionals and organisations Rylander visited in WA, and indeed the international scientific and health community were largely unaware of Rylander's significant ties to PM and tobacco industry-funded organisations until the many thousands of internal tobacco industry documents were made publicly available as a result of US litigation.²⁷⁷ After conducting an enquiry into Rylander's associations,²⁶² the University of Geneva concluded that Rylander was "guilty of scientific misconduct in hiding the real extent of his links with the tobacco industry and in aligning his activity as a scientific investigator and expert with the strategic objectives of his industrial sponsors".^{262, 277} The scientific deception characterised by Rylander and sponsored by PM provides a local example of the nature of tobacco industry strategies implemented in WA. It demonstrates the extent to which tobacco companies are prepared to go to secure information and promote misinformation to further their business objectives.

Figure 9. Trip report by Ragnar Rylander: 'Smoking and health activities in Western Australia.'²⁵⁰





1. Background

Information regarding the ongoing activities in the smoking and health field was collected during a sabbatical month (February 1988) at the University in Perth, Western Australia. In addition to interviews with specific persons (see appendix), information was gathered by following newspaper discussions, during open ended discussions with various members of the medical faculty, and from a survey of letters to the editor in the Australian Journal of Medicine, mainly from 1987.

2. Administrative level

A special situation exists in Australia in that legislation of various kinds can be put in force although no regular hearings have been made. Examples of such legislation is the ban on smoking on aircraft in domestic traffic, which was rapidly introduced without public hearings. Once legislation is introduced in one state, there is also a strong tendency for others to follow, without proper hearings or basic evaluations in their own state. This applies to many aspects of legislation, not only the one related to tobacco.

In Western Australia, no economical incentives tie the state with the tobacco industry. Tobacco is not grown and the financial emphasis in the state is on mining, industry and agriculture other than tobacco. The local scenery is characterized by the presence of a very active anti-smoking public health officer (Michael Dob), seconded by his wife Ruth Sheun. Broad and far reaching measures aimed at counteracting tobacco smoking have been undertaken. The presence of a strong power connected to the Minister of Health, together with the absence of an economical linkage with the tobacco industry, is probably a prerequisite for the extent to which anti-smoking activities have been promoted in Western Australia.

The Health Department of Western Australia, under the initiative of Michael Dob, pushes an active programme for

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smoking control initiatives. In the smoking and health project, grants for smoking control initiatives are administered to independent organizations, community based educators and others. The purpose of these grants is to provide financial assistance and to recognize organizations that can contribute to particular aspects to smoking control activities in Western Australia. These aspects include programmes on smoking cessation, policy development and community education. About A\$ 90 000 is available for the 1988 efforts in this area. A total of A\$ 3,500 000 is available to the Health Department for different educational health programmes, in which tobacco smoking activities constitute about one half. The other programmes relate to nutrition, safe drinking water and immunization.

As part of these activities, publicity programmes with the aim to take over the role of the tobacco industry as promoters for sporting events have been carried out. Several athletes and minor sporting events have been totally sponsored, and in many cases, participating individuals have waived fees on a voluntary basis.

Particularly active programmes are related to quitting smoking. The "quit programmes" are run on a yearly basis and would normally involve a cohort with about 900 smokers, who are followed up by a telephone contact for 3 months. Twenty community based educators are available to support this programme. Of interest is that no money is granted to "stop smoking groups" as the department feels that most persons who quit smoking, quit on their own without any influence of external advice (90%). The success in randomly picked stop smoking groups is only 20 to 30%, which is considered to be too costly an effort to support.

The health department is very active to introduce a ban on tobacco related advertizing in Western Australia. The next international congress on smoking and health will be held in Perth 1990.

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3. Research

There is at present very little active research on tobacco and health in Western Australia. Money is available from the Australian Tobacco Research Foundation, which is an independent research body with high quality researchers on its advisory board. This foundation has been subject to extensive pressure, particularly by the National Heart Foundation Committee on smoking and heart disease (see appendix). It is claimed by this group that sponsorship from the tobacco industry, in terms of funds from the Tobacco Research Foundation, should not be accepted by scientists. This question has been the matter of exchange of views in the Medical Journal of Australia (see appendix).

The scientific members of the Research Foundation have explained their position and underlined the need to investigate the mechanisms that link smoking and disease (see appendix). In spite of this, a current view is that tobacco industry related money should not be accepted. Individual researchers have been subject to pressure from members of the Australian Thoracic Society and threats that no money is available from National Research Foundations if the applicant accepts Tobacco Research Foundation funds have been uttered. Examples were cited of an epidemiologist with an interesting project which had to give up support from the Foundation. Difficulties may also arise regarding funding if the stated hypothesis in the research project, or known opinion of the researcher is one which is critical of the view of the Health Department.

In view of the debate, the Medical Journal of Australia has decided "to examine most critically any work that is submitted for publication, which have been supported by the Australian Tobacco Research Foundation". Furthermore, a motion was raised at the Australian Medical Association Federal Assembly in 1986 to make the body condemn the funding of medical research by the tobacco industry and recommend the publishing company that the Medical Journal of Australia should not publish papers associated with such research.

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The present professor of epidemiology, Bruce Armstrong, is the professional person who is responsible for much of the anti-smoking activity on a scientific basis. At the university, there is scientist with a critical view but without his own research projects - J.R. Johnstone (see appendix). His is an eminent neurophysiologist and has several interesting research projects, particularly on hearing and neurophysiological function. Quite by chance, his interest in the tobacco health related literature was initiated a few years ago in connection with what he considered a scientifically very poor article on smoking and heart disease. He has then followed up by critically analyzing published work and following the research in the area, particularly regarding the various intervention studies on cardio-vascular disease.

Unfortunately, although his criticism is sound, some of the arguments in that discussion are not always accurate from an epidemiological point of view and he does not have a good credibility among experts in tobacco related research. This means that his counter arguments have been easy to criticise in certain circumstances, which decreases his potential as a counteracting factor regarding tobacco and health research. In some respects, his status is very similar to that of Ted Sterling and previously Domingo Aviado, both of whom had a good case at the beginning but unfortunately, sometimes used unsophisticated arguments.

4. Comments

Much of the imbalance in the present situation in Western Australia is due to the heavy impact of the Health Department and the absence of a balanced scientific impact. No critically evaluating, independent research, particularly regarding effects of coronary heart disease, is ongoing. All research is headed by epidemiologists, some of which have no medical training and much of the work is evaluated without sufficient criticisms of the validity of the data. An example of this is the debate regarding environmental tobacco smoke in the Medical Journal of Australia.

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In my opinion, the situation in Western Australia illustrates a case where basic research on tobacco and health related problems has not been undertaken or sponsored to a large enough degree. The absence of independent scientific activities such as workshops, similar to the one held with environmental tobacco smoke on two occasions and medically trained epidemiologists, adds to the imbalance.

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Appendix

Persons with whom discussions were held.

Blair Hunt	Tobacco Institute, Sydney
Brian T. Wilson	Tobacco Institute, Sydney (Clayton Utz Sol.)
W. Allan Crawford	Consultant, Sydney
Maurice Swanson	Health Department of Western Australia, Perth
J.R. Johnstone	University of Western Australia

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3.7 Litigation

3.7.1 Burswood International Resort Casino

In December 1992, BIRC employees and the WA Department of Occupational Health, Safety and Welfare launched a case against BIRC management to hold them accountable for not adequately protecting employees from second-hand smoke.²⁷⁸ The litigation was the first of its kind in WA and held the potential to set an international precedent for legislation on indoor smoking.

Tobacco industry documents provide evidence that PM demonstrated an active interest and involvement in the defence of the BIRC. Handwritten notes on a memo sent in January 1993 by Geoff Bible, Managing Director of PMI in New York at the time, represent the beginning of PM's involvement in the BIRC case.²⁷⁹ The memo documents Bible's offer for PM and their US law firm SHB to assist BIRC in their defence: "It's these types of cases that blindsides us. I think we should pull out all stops to help [the] defendant".²⁷⁹

PM's investment in the BIRC defence demonstrated the industry's recognition of the potential significance of the case beyond WA. Tobacco industry law firms assisted the BIRC defence in the recruitment of witnesses. The PM legal department's "privileged and confidential" five year plan (1994-1998) outlined the company's involvement in assisting BIRC with its defence.²⁸⁰ Media statements reporting on both the 'win'²⁸¹ and 'loss' scenarios²⁸² were drafted by PM and the TIA before the Magistrate's decision was announced. The statements were reviewed by international tobacco industry executives including Charles R. Wall (Vice President and Associate General Counsel, PM Companies Inc.)²⁸³ and were circulated "far and wide".²⁸⁴

Magistrate R.J. Gething delivered the court's final decision on 17 September 1993; "My initial persuasion is confirmed and I find at this point that the prosecution has not proved beyond reasonable doubt that ETS causes harm to health and therefore has not proved that the defendant has failed in its duty not to expose its employees to risk as alleged".²⁸⁵ The decision noted that even during the busiest times at the BIRC, the second-hand smoke levels present would not pose a health risk to BIRC employees.²⁸⁶

WA was launched into the international tobacco industry spotlight for a significant period of 1993 due to PM's involvement. The Burswood decision was further disseminated to all PM USA and PMI regional and Corporate Affairs directors by Jan Goodheart, Manager of WRA, PM Asia in October 1993. Goodheart encouraged PM staff to distribute the decision throughout their regions, a request which would see the BIRC case publicised as widely as the EEC, Eastern Europe, Middle East, Africa, USA, Asia, Japan and Latin America.²⁸⁷

The involvement of PM in the BIRC defence allowed the tobacco industry to build the trust of the WA hospitality industry and foster an alliance with the AHA. The internal industry documents reveal that the BIRC litigation received the highest level of attention from senior staff of PMI New York, further illustrating the potential significance of the case beyond WA. The case stimulated interest in WA as a setting for consequential debate on smoking issues and illustrated the tobacco industry's progression of interest in WA.

A comprehensive chronology and analysis of the tobacco industry's interest in the BIRC litigation is available in a paper by Bond, Stafford and Daube [*in preparation*].

3.7.2 Recovering Health Care Costs

Following billion-dollar payouts by tobacco companies to US State governments to cover smoking-related health care costs,²⁸⁸ the WA State government considered undertaking similar legal action.²⁸⁹ Media monitoring documents captured WA media attention to this potential action and made it accessible to international tobacco executives.^{44, 45} For example, the 'TDC Newsround: bulletin of regulatory & media issues' published in late March 1997 summarised an article in *The Weekend Australian* (22 March 1997) which reported that the AMA had urged state and federal governments to sue Australian tobacco companies in an effort to recover smoking-related health care costs⁴⁵. The article described government Ministers' responses to the proposal as "muted"; however, WA Health Minister Kevin Prince was said to have called on tobacco companies to "make a substantial allocation" of funds for a public education programme drawing attention to the health effects of smoking.⁴⁵

Over a year later, the 'Fiscal Bulletin' published by the TDC in July 1998 summarised an article in *The West Australian* (13 June 1998) which reported that the WA State government was considering suing the tobacco companies for up to AUD\$36 million a year to recover the health care costs of "victims of smoking".⁴⁴ Kevin Prince was quoted as saying "The feasibility of litigation against tobacco companies for tobacco-related health costs has been and continues to be the subject of consideration". The significant financial payouts in the US were suggested to have inspired the WA government's consideration of legal action. The article featured a claim by a spokesman for Wills Australia that smokers already pay taxes in excess of 'alleged' health costs of smoking.⁴⁴

Discussions regarding the consideration to take legal action against the tobacco companies continued through 2000. A 'World Alert' published by the TMA in late March 2000 reported that representatives of the Australian states would meet the following day to consider litigation against the cigarette companies to recover costs incurred in the treatment of smoking-caused illnesses.²⁹⁰ The potential for legal action to be based on a finding of negligence of the cigarette manufacturers was acknowledged. Tobacco industry representatives' responses to potential litigation were presented. Eric Windholz, spokesman for PML stated that Australia's strict controls on the tobacco industry acted to limit the States' grounds for litigation; "actions of the nature being contemplated have poor prospects of success".²⁹⁰ The Corporate and Regulatory Affairs Director of BAT Australia, Brendan Brady, stated "We will fight it with some vigour, and we will certainly not settle".²⁹⁰

Following consideration by the States and Attorney Generals, it was decided that they would not proceed and the Australian litigation never came to fruition.

3.7.3 Other Litigation

The media monitoring publications captured reports on other WA litigation involving tobacco companies. Under the section 'ETS/IAQ litigation not involving cigarette manufacturers', the 'Current Regulatory Developments Report' published by SHB on 9 March 2001 summarised *The West Australian* articles (21 and 22 February 2001) regarding the Bunbury United soccer club which had been charged with allowing patrons to smoke during events held at the club. The trial was considered to be the first prosecution test case under WA's antismoking legislation.²⁹¹

Potential WA litigation in the tobacco industry's favour was reported in a 'Daily Executive Summary' published by the TMA in September 2003.^{292, 293} On 1 September, the High Court of Australia ruled that BAT had the right to pursue legal action to recover nearly AUD\$7 million worth of tobacco licence fees the tobacco company had paid the WA Government. BAT claimed that excise duties imposed by the WA State government contravened section 90 of the Commonwealth Constitution.²⁹⁴ The High Court's decision only dealt with the right to proceed; the WA Supreme Court was to decide on the legal merits of the case and whether the money would be returned to BAT.²⁹⁴ A spokesman for State Attorney-General Jim McGinty said the government planned to defend against any litigation actioned by BAT.²⁹² The High Court ruled that the WA government had invalidly imposed the taxes on BAT.²⁹⁴

3.8 Health Organisations

Media coverage of tobacco issues has often reported on the tobacco control efforts of WA health organisations and featured quotes from a spokesperson from one or more of the organisations.^{32, 50, 295} Health groups in WA have regularly worked together to advocate for tobacco control initiatives. Health organisations work hard to put health issues, and particularly tobacco control, on the agenda of decision makers. One strategy for maintaining the visibility of tobacco issues is continued media coverage of smoking related issues and proposed control measures. Not only do the public and decision makers view this media, but as outlined earlier, the tobacco industry employs comprehensive media gathering methods to ensure they are kept abreast of tobacco-related international media coverage. The information gathered identifies the WA health advocates who pose a threat to the tobacco industry.



The main WA health organisations mentioned in the industry documents include:

- WA Department of Health
- ACOSH
- AMA WA branch
- Cancer Council WA
- National Heart Foundation WA branch

Examples of attention to these organisations include:

A facsimile copy of an AMA WA pamphlet titled "Your Family at Risk? A Warning from Your Doctor" was held in the PM archive, sent by R.J. Reynolds Australia in late 1990.²⁹⁶ The pamphlet details the dangers of second-hand smoke and promotes smoke-free areas. The publication was a joint project of AMA WA, ACOSH, National Heart Foundation and the Health Promotion Services Branch of the Health Department of WA.

A copy of the June 1994 edition of the ACOSH newsletter: 'Smoking or Health', was found within the BAT archives.²⁵³ The newsletter reported on the AMA's 'tobacco scoreboard' which ranked WA "as having the best record of any State or Territory government on discouraging smoking". The tobacco industry was again informed of the WA government being rated the 'best promoter of tobacco control programs' in 1999 in the TMA 'World Alert' publication on 8 June 2000.²⁹⁷

ACOSH received further industry attention in 1997 when the TMA 'Executive Summary' media monitoring publication summarised an article in *The West Australian* (13 June 1997) which reported that ACOSH "will reportedly sue tobacco companies on behalf of 500,000 smokers under the age of 21".²⁹⁸

Information retrieved from international tobacco industry documents' regarding WA health organisations has been discussed in the other sections of this monograph. A comprehensive research paper covering internal tobacco document information on WA health organisations is planned to follow this monograph.

3.8.1 Seventh World Conference on Tobacco & Health

In April 1990, WA hosted the Seventh World Conference on Tobacco & Health (WCTH). Tobacco document research conducted by Muggli and Hurt¹³ provides evidence that the tobacco industry have gone to significant lengths to undermine tobacco control conferences. The internal tobacco documents further reveal the interest shown by the tobacco industry in the 1990 Seventh WCTH held in Perth. This was the first conference the tobacco industry was specifically excluded from.

The Seventh WCTH was listed in industry calendars of significant tobacco control meetings for 1990.^{299, 300} Official conference publications are held within the document archives including the registration book³⁰⁰⁻³⁰², conference proceedings³⁰³ and additional conference information supplied by the organisers.³⁰⁴

Communications were exchanged prior to the conference between representatives of the tobacco industry and related organisations based in Australia and internationally. David Bacon (Wills Australia) sent a memo in December 1989 to Bob Ely (BAT Public Affairs Executive UK; INFOTAB Board of Directors; ICOSI Member) with an attached media release publicising the conference scheduled for April 1990.³⁰⁵ The media release described the conference as "considered to be among the most prestigious health conferences in the world".

A letter dated January 1990 from Leonard S. Zahn (representing Leonard Zahn and Associates PR counsel located in New York) to Sharon Boyse (BAT located in London) noted that after reviewing the conference information, Zahn had decided not to attend, "There is so little real science on the program that we feel the trip would be a waste of time and money...we'd feel guilty about doing it under the guise of a meeting devoted almost entirely to propaganda and antismoking activities".³⁰⁶

On 24 July 1989, A.D.C. Turner (Deputy Chief Executive of the Tobacco Advisory Counsel located in London) sent a letter to members of the Public Relations Committee and Scientific Committee regarding the conference programme. Turner stated: "Note the same cast of characters and the ironic title of David Simpson's address: "What the industry would say if it were here". Since we have been excluded, deliberately, I find that particular talk-title peeving".³⁰⁷ Documents relating to David Simpson's presentation are available in the industry document archives.¹⁶ Turner continued³⁰⁷:

"I see that David Abbott [Chairman of UK advertising agency Abbott Mead Vickers] is to be over there, no doubt presenting his well worn diatribe; it would be interesting to observe whether he will declare his Agency's health care accounts. Dr Everett Koop is to speak at the opening ceremony, so I am sure the delegates will be given a forceful charge at the start. By the end of the conference they will need one of the optional tours!".

In March 1990, INFOTAB provided briefing documents to an international distribution of tobacco company and NMA personnel.³⁰⁸ Attached to a memo detailing conference monitoring arrangements was a document titled "Background materials for enquiries received during the Seventh World Conference on Tobacco and Health".³⁰⁹ The document lists prepared responses to questions relating to youth smoking, second-hand smoke health risks and the economic benefits of tobacco growing.

Another attachment titled "Set of texts on the importance and impact of the world tobacco trade: For media use" states: "Its good to know that the zealots of the consumerist movement now meeting in Perth, Western Australia (at the luxurious Sheraton Hotel), are not so dedicated to the destruction of smokers that they have forgotten how to enjoy themselves".³¹⁰ The document goes on to describe the social programme of the conference and noted: "And who will pay for all this jollity? Why, the consumer, of course". The remaining two pages of the document emphasise the importance of tobacco to the world economy.³¹⁰ These points are further detailed in a third attachment titled "The socio-economic importance of tobacco to developing countries and the implications if their tobacco industries are jeopardised".³¹¹

Despite the exclusion of the tobacco industry from the conference, tobacco companies received detailed conference monitoring reports from INFOTAB.³¹²⁻³¹⁷ Monitoring reports summarised individual sessions of the conference and noted details including speakers, the number of delegates attending and which organisations they represented, and a summary of the speaker's key comments. A copy of the resolutions from the Seventh WCTH were distributed by INFOTAB.³¹⁸

The transcript of the speech presented by Professor Stanton Glantz at the Perth conference is held on the document archives.³¹⁹ Sections of the transcript are underlined, including "one of the greatest assets we have stumbled onto in the fight over smoking is the non-smokers", "the same ideas a few of us were advocating in 1983 which were viewed as so strange, radical and hopeless have now really become very mainstream" and "you need to convince legislators that if they oppose you they would be perceived as dupes of the cigarette companies".³¹⁹ Transcripts of other presentations are also held on the document archives^{300, 320} and were distributed widely to international tobacco company executives.³²¹

The TMA produced a 'special report' on the conference which provided a detailed synopsis of information the TMA gathered from the conference.³²² The 'special report' contained excerpts of speeches, summaries of tobacco control plans presented at the conference and the conference programme.³²² The conference outcomes were also reported in an R.J. Reynolds biweekly status report distributed in April 1990.³²³

A summary of the Seventh WCTH was prepared by John Bloxcidge (Chief Executive, INFOTAB) for a tobacco industry-sympathetic audience.^{324, 325} Bloxcidge described the WCTH as "the anti-smoking Olympics" and noted ³²⁴:

"The atmosphere of the whole event was enormously self-congratulatory. These people talk of nothing but anti-tobacco activities, day and night. They listen to each other's (really boring) speeches, the endless repetition of old arguments, the recycling of tired research, the gross exaggerations. Then they applaud like mad - up to two minute ovations for leading figures like Pertschuk, Daube and Nakajima".



In the summary, Bloxcidge made observations regarding the tone and topics of presentations and reproduced the most animated quotes made by presenters. Rather than commenting on the scientific accuracy of presentations, Bloxcidge described presenters or their research as "hysterical", "wilder", "aggressive", "outrageous" and "incompetent".³²⁴ A few presenters received compliments in the summary; Michael Pertschuk was described as "one of the star performers on the activist front bench" and Dr Judith Mackay was noted as "a strong candidate for the 'best speaker' award".³²⁴ The summary ended with an acknowledgement to representatives of the TIA for their "valuable support and advice" and the note: "Many specific industry/Infotab actions are now required as a result of new knowledge gained in Perth".³²⁴

Tobacco control researchers who presented at the Seventh WCTH were noted in documents written after the conference.^{326, 327} 'Infotopics' published an article on the conference in its April 1990 edition.³²⁶ The article was compiled using "reports INFOTAB prepared in monitoring the conference".³²⁶ Key conference resolutions were noted along with summaries of the paper presented by Dr Richard Peto and Dr Alan Lopez, and the launch of the Trade for Life campaign and GLOBALink by the American Cancer Society. The article listed 19 presentations as being available from INFOTAB.

Statements made by presenters at the Seventh WCTH urging action against ETS were used by INFOTAB to highlight the need for an organised industry response to ETS issues in a publication regarding an industry campaign titled "Seizing the initiative". The campaign aimed to support INFOTAB members to be pro-active in addressing ETS issues.³²⁷ The central strategy of the campaign was noted as: "to establish both a credibility and acceptance of balanced scientific evidence presented by the industry on the issue of ETS".³²⁷

4.0 Conclusions

It is clear from the available tobacco industry documents that the international tobacco industry has displayed significant levels of interest in WA over many years – since the 1950s.

Tobacco company executives have been most concerned about WA in terms of:

- Restrictions on tobacco advertising and sponsorship
- Taxation of tobacco products
- Health warnings and pack labelling of tobacco products
- Litigation involving tobacco companies or their allies
- Industry funded scientist's visits to WA
- Changes to tobacco control legislation
- Monitoring of health organisations and tobacco control advocates
- Monitoring of politicians and political parties
- Regulation of cigarette ingredients
- Regulations around smoke-free areas
- Public education campaigns

What can be learned from looking back on the tobacco industry's interest in WA?

History and experience show that the tobacco control initiatives contested most vigorously by tobacco companies are those they know will have the greatest impact on their sales and profits. It is encouraging that WA features prominently in industry documents, suggesting that tobacco control initiatives in this State have been successful in focussing on those areas most likely to cause concern to the major companies.

The documents also illustrate the significant concern shown by the industry about the potential for tobacco control initiatives to spread beyond the areas in which they originated. Successful initiatives in WA and other Australian states have been taken up internationally. This is testament to the advocates in WA whose work started some decades ago, to decision makers whose local efforts have had a significant flow-on effect, and to the very proper judgement of tobacco company executives that their failures here have led to success elsewhere.

Limitations of the current research

This monograph provides a comprehensive overview of international interest in WA and provides many interesting insights into the tobacco industry's view of WA and Australia. However, some limitations of the current research are acknowledged.

The online document archives host many more documents regarding WA and Australia which were only sent within Australia. These documents did not fit within the scope of the current research. Such documents will be the focus of future research and publications undertaken by the WA Tobacco Document Searching Program.

The industry documents made available to the public through the MSA offer only a fragmentary coverage of the international tobacco industry's interest in WA. It is important to note that the documents available on the online document archives represent only those documents uncovered through the 'discovery' process in US litigation.¹⁷ The available documents are likely to be an unrepresentative sample of all documents ever produced by the tobacco industry. It is further likely that the documents relevant to WA retrieved in this research represent only a fraction of the history of tobacco industry correspondence regarding WA. Some insights provided by the documents cannot be followed or further clarified as related documents may not be available. In some circumstances, questions are raised which cannot be answered from the available documents.



Review of monograph aim

This monograph set out to document the extent to which the international tobacco industry has been interested in WA and why. The industry documents provide many insights into this.

The quantity and frequency of documents regarding WA suggest that the industry's interest in WA is extensive. The available documents also suggest that industry interest has peaked at certain times (e.g., 1983) in line with developments such as legislative proposals, changes in government, establishment of health organisations and campaigns etc.

The documents also provide information as to why the international tobacco industry has been interested specifically in WA. In order to maintain profits and gains, tobacco industry executives protect the interests of their companies (including shareholders) by monitoring regular updates provided by their Australian counterparts and ensuring that the Australian representatives are doing everything they can to thwart effective tobacco control measures. The monitoring of WA media can be understood as being an important aspect of global monitoring processes and day-to-day standard activities the tobacco industry engage in.

The tobacco industry have recognised WA as a leading region for tobacco control and have thus directed corresponding attention to WA to address the tobacco control movement.

A significant body of literature documents strategies implemented by the tobacco industry and their allies to delay tobacco control measures or encourage incremental introduction as opposed to immediate implementations.^{9, 149, 209, 328} The internal documents retrieved and critiqued in this report provide local evidence that the tobacco industry have implemented similar strategies and campaigns in WA to obstruct tobacco control initiatives, with the support and full awareness of the international tobacco industry. Internal documents provide evidence that international and Australian tobacco company representatives have manipulated the policy process in WA by introducing strategies to lobby the WA government, influence and manipulate the public through well-funded mass media campaigns, and exploit recipients of tobacco industry funding by encouraging them to act as third parties to lobby the public and government with the industry's agenda. The documents in this report illustrate that the tobacco industry's activities in WA have had the approval, support and influence of some of the most senior international tobacco industry executives.

The documents referring to WA also reflect the speed at which tobacco industry-related information travelled between industry representatives in distant locations. For example, the information related to the 1998 indoor smoking ban, including an article in *The West Australian*, travelled from Perth to London and onto New York in the same day. This demonstrates the importance of the information to the tobacco industry and their eagerness to act on it without delay.

Support for tobacco control in WA

The majority of the WA public have long supported tobacco control measures.^{4, 329, 330} Survey results consistently illustrate that the public have embraced tobacco control measures, allowed for their smooth implementation and often assisted effective regulation (e.g., indoor smoking bans, restaurant and alfresco smoking bans).^{4, 329, 330}

Today, when a federal ban on tobacco advertising in print media has been in place since December 1991¹²² and tobacco sponsorship in WA has been replaced since February 1992¹²², it is clear that the removal of tobacco sponsorship and the banning of tobacco advertising did not bring about the disaster for sport and employment the industry wanted the public to anticipate. However, the tobacco industry and their allies continue to use such dramatic arguments when opposing tobacco control measures.



WA's future in tobacco control

While tobacco remains WA's largest preventable cause of death and disease,³³¹ there will be both need and scope for further action to reduce smoking. This will always entail countering of the global tobacco industry's efforts to promote smoking amongst all sectors of the community of whatever ages. It is to be hoped that the information provided in this monograph will help all concerned in tobacco control to learn from the industry's concerns and activities of the past, and will help to guide future tobacco control activity. The information is intended to reinforce the need for advocates to remain vigilant, never to underestimate industry resolve or influence and to recognise that the shared vision of a healthy, smoke-free WA requires sustained effort.



References

1. Musk AW, Shean R, Walker N, Swanson M. Progress on smoking control in Western Australia. *British Medical Journal*. 1994; 308:395-398.
2. Australian Institute of Health and Welfare. 2007 National Drug Strategy Household Survey: detailed findings. Drug statistics series no. 22. Cat. no. PHE 107. [Canberra: AIHW; 2008.
3. Australian Council on Smoking and Health. Timeline [homepage on the Internet]. No date [updated No date; cited 2008 Sep 15]. Available from: <http://www.acosh.org/about/timeline.html>.
4. The Cancer Council Western Australia. The progress of tobacco control in Western Australia: achievements, challenges and hopes for the future. Perth: The Cancer Council Western Australia; 2008.
5. Tobacco Products Control Act 2006, WA [statute on the Internet]. c2006 [updated 2008 Dec 5; cited 2009 Jan 9]. Available from: State Law Publisher.
6. AMA/ACOSH National Tobacco Scoreboard 2008 Awards [homepage on the Internet]. c2008 [updated 2008 May 31; cited 2008 Nov 10]. Available from: <http://www.ama.com.au/node/3070>.
7. AMA/ACOSH National Tobacco Scoreboard 2007 Awards - Western Australia Wins Again [homepage on the Internet]. c2007 [updated 2007 May 28; cited 2008 Nov 10]. Available from: <http://www.ama.com.au/node/2705>.
8. AMA/ACOSH National Tobacco Scoreboard 2006 Awards - Queensland and Western Australia Joint Winners [homepage on the Internet]. c2006 [updated 2006 May 28; cited 2008 Nov 10]. Available from: http://www.acosh.org/news/legislation_docs/scoreboardmediarelease06.pdf.
9. Carter S, Chapman S. Smoking, disease, and obdurate denial: the Australian tobacco industry in the 1980s. *Tobacco Control*. 2003; 12:23-30.
10. The History of Philip Morris. 5 Aug 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/mmv17c00>
11. Carter S. Cooperation and control: the Tobacco Institute of Australia. *Tobacco Control*. 2003; 12:54-60.
12. INFOTAB Backgrounder. 1 Dec 1984. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/mva29d00>.
13. Muggli M, Hurt R. Tobacco industry strategies to undermine the 8th World Conference on Tobacco or Health. *Tobacco Control*. 2003; 12:195-202.
14. Philip Morris Incorporated. FYI. 5 Feb 1985. Philip Morris. <http://legacy.library.ucsf.edu/tid/vvx36e00>
15. International Tobacco Information Center. Infotopics: summaries of public information, Vol. 6 No. 2. 27 Feb 1987. Philip Morris. <http://legacy.library.ucsf.edu/tid/koq24e00>
16. Simpson D. Action on Smoking and Health. What the industry would say if it were here. 14 Feb 2001. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/ttu03c00>
17. Hirschhorn N. The tobacco industry documents: What they are, what they tell us, and how to search them. A practical manual [homepage on the Internet]. World Health Organization; c2005 [updated No date; cited 2007 Sep 24]. Available from: http://www.who.int/tobacco/communications/TI_manual_content.pdf.
18. MacKenzie R, Collin J, Lee K. The tobacco industry documents: an introductory handbook and resource guide for researchers [homepage on the Internet]. Centre on Global Change and Health, London School of Hygiene & Tropical Medicine; c2003 [updated No date; cited 2007 Sep 18]. Available from: <http://www.lshtm.ac.uk/cgch/tobacco/Handbook%2008.07.03.pdf>.



19. BATCo press cuttings index. 14 May 1984. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/inv57a99>
20. Philip Morris Worldwide Regulatory Affairs. Current Developments. 1 Dec 1995. Philip Morris.
<http://legacy.library.ucsf.edu/tid/gbg24c00>
21. NJP News Express. Smoking reaps grim toll. 23 Jun 1987. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/smi70a99>
22. NJP News Express. Landmark cancer action postponed. 27 Mar 1991. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/vql30a99>
23. The Age. Media Monitors founder Jeffress dies [homepage on the Internet]. c2007 [updated 2007 Sep 14; cited 2008 Nov 10]. Available from: <http://www.theage.com.au/news/Business/Media-Monitors-founder-Jeffress-dies/2007/09/14/1189276955927.html>.
24. Casellas K. The West Australian. Perth test is in jeopardy. 30 Sep 1983. Philip Morris.
<http://legacy.library.ucsf.edu/tid/nqu71f00>
25. Daily News. Tobacco firms declare 'war'. 22 Jul 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/iru71f00>
26. The West Australian. Publisher: its hypocritical. 1 Sep 1983. Philip Morris.
<http://legacy.library.ucsf.edu/tid/eru71f00>
27. Croll's Monitoring Australia. Passive smoking report. 8 Dec 1994. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/fdm24a99>
28. Croll's Monitoring Australia. The listing of tobacco as a poison. 26 Oct 1995. Philip Morris.
<http://legacy.library.ucsf.edu/tid/hkl87d00>
29. Reham Newsline. 20 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/qtb37d00>
30. Reham Australia. [Radio interview with Mike Daube and Ray Johnston]. 16 Jan 1991. Philip Morris.
<http://legacy.library.ucsf.edu/tid/sqx23e00>
31. Media Monitors acquires Reham [press release]. Sydney: Media Monitors; 2006 May 4. Available from:
<http://www.mediamonitors.com.au/MediaRelease.aspx?mediaReleaseID=19>.
32. Reham Australia Monitoring Services Pty Ltd. Newsline Report. 26 Oct 1995. Philip Morris.
<http://legacy.library.ucsf.edu/tid/ikl87d00>
33. Monitoring Perth Media. Monitoring report. 3 Sep 1984. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/ikg47a99>
34. Channel 7 - State Affair: Interview between Howard Sattler, Peter Taylor & Duncan Fairweather. 16 Aug 1984. Brown & Williamson. <http://legacy.library.ucsf.edu/tid/yhl02d00>
35. Tobacco Information Centre Inc. WA: Doctors call for tougher stance on selling cigs to kids. 6 Aug 1998. Philip Morris. <http://legacy.library.ucsf.edu/tid/qoa06c00>
36. Tobacco Information Centre Inc. Standards body defends new smoking standard. 26 Feb 1999. Philip Morris.
<http://legacy.library.ucsf.edu/tid/zar87d00>
37. Tobacco Information Centre Inc. Tobacco firms firm. 14 Jan 2000. Philip Morris.
<http://legacy.library.ucsf.edu/tid/hza06c00>
38. Shook Hardy & Bacon. Current regulatory developments report: issue 173. 15 May 1998. Philip Morris.
<http://legacy.library.ucsf.edu/tid/ezo61b00>



39. Shook Hardy & Bacon. Current regulatory developments report: index to articles from issues 164-180. 1998. Philip Morris. <http://legacy.library.ucsf.edu/tid/elc37d00>
40. Lovell White Durrant. Tobacco bulletin. 10 Feb 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/uyu50a99>
41. Chapman S. Public health advocacy and tobacco control: making smoking history. Oxford: Blackwell Publishing; 2007.
42. Campbell-Johnson Limited. Smoking and health. 29 Oct 1982. British American Tobacco. <http://legacy.library.ucsf.edu/tid/pni21a99>
43. Tobacco Documentation Centre. Infotopics: media monitoring from TDC No.1. Jan 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/rjr02a00>
44. Tobacco Documentation Centre. Fiscal bulletin. Jul 1998. British American Tobacco. <http://legacy.library.ucsf.edu/tid/rbm55a99>
45. Tobacco Documentation Centre. TDC Newsround: bulletin of regulatory & media issues. 27 Mar 1997. British American Tobacco. <http://legacy.library.ucsf.edu/tid/afq72a99>
46. Tobacco Documentation Centre. Smoking issues status book. Jul 1997. British American Tobacco. <http://legacy.library.ucsf.edu/tid/qkl82a99>
47. Tobacco Documentation Centre. TDC News Database. 22 Mar 1996. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ldd51a99>
48. Shook Hardy & Bacon. ETS/IAQ report: issue 83. 21 Oct 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/tkp83c00>
49. Shook Hardy & Bacon. ETS/IAQ report: issue 79. 26 Aug 1994. Lorillard. <http://legacy.library.ucsf.edu/tid/dhl91b00>
50. Tobacco Merchants Association. World alert. 19 Aug 2005. Philip Morris. <http://legacy.library.ucsf.edu/tid/arc17a00>
51. Tobacco Documentation Centre. Infotopics: media monitoring from TDC No. 11. Nov 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/oqn41b00>
52. INFOTAB. Casino faces prosecution over ETS exposure. Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/xtj32d00>
53. Findlay L. The West Australian. ARISE, oh saviours of real life. 28 Sep 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/tfi38a99>
54. Bloom D. DGB & Associates. Viewpoint: present the public a balanced view. Jun 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/kbw69a00>.
55. Philip Morris. Ensuring reasonable smoking policies by accommodating the preferences of smokers and nonsmokers. 20 Dec 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/yyq80b00>
56. Ritchie V. W.D. & H.O. Wills (Australia) Limited. CORA issues tracking study: Australian smoking issues monitor. Sep 1998. British American Tobacco. <http://legacy.library.ucsf.edu/tid/iam93a99>
57. The Globe Magazine. The smoking habit: international enigma. 27 Jul 1957. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/bsx13a00>

58. Snow D. The progress of public health in Western Australia 1829-1977. Perth, Western Australia: Public Health Department; 1981.
59. The Sunday Times, Sunday Telegraph, Morning Herald, Weekend News, The West Australian. Sporting ban on tobacco backing. 16 Mar 1975. Philip Morris. <http://legacy.library.ucsf.edu/tid/cwb85e00>
60. Hurley H. Philip Morris Limited. Five year management plan 1977-81. 30 Sep 1976. Philip Morris. <http://legacy.library.ucsf.edu/tid/gpi42e00>
61. Health (Notification of Cancer) Regulations 1981, WA [statute on the Internet]. c1981 [updated 2002 Mar 15; cited 2008 Sep 15]. Available from: State Law Publisher.
62. Australia: Corporate affairs weekly summary. 14 Aug 1981. Philip Morris. <http://legacy.library.ucsf.edu/tid/rcn68e00>
63. Cancer incidence and mortality in Western Australia, 2006: a report of the Western Australian Cancer Registry / Data Collection and Analysis, Information Management and Reporting. Perth, Western Australia: Department of Health; 2007.
64. Simpson BC. Tobacco Institute of Australia Limited. [Letter regarding media coverage of advertising bans and sporting sponsorship in Western Australia]. 10 Aug 1979. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/uet82f00>
65. Barker E. The West Australian. AMA call on smoking: ban all advts. 1 Aug 1979. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/vet82f00>
66. The West Australian. Health bans. 2 Aug 1979. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/wet82f00>
67. The West Australian. Support for companies. 3 Aug 1979. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/xet82f00>
68. The West Australian. Sponsorship row: Court hits out. 9 Aug 1979. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/yet82f00>
69. Musk AW, Shean R, Woodward S. Legislation for smoking control in Western Australia. *British Medical Journal*. 1985; 290:1562-1565.
70. Woodward S. The 1982 Western Australian Smoking and Tobacco Products Advertisements Bill. *Medical Journal of Australia*. 1983; 1(5):210-212.
71. McGrath M. Philip Morris (Australia) Limited. Major issues confronting PMA. 12 May 1981. Philip Morris. <http://legacy.library.ucsf.edu/tid/jgo87e00>
72. Status report on anti-industry activities in Australia. 15 Apr 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/ujl85e00>
73. Bible G. Philip Morris (Australia) Limited. [Facsimile from G. Bible to H. Maxwell regarding issues affecting the Australian tobacco industry]. 29 Jul 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/xsl98e00>
74. Whist A. [Memo from A. Whist to distribution regarding Western Australian Bill to ban tobacco advertising]. 13 Feb 1984. Philip Morris. <http://legacy.library.ucsf.edu/tid/hnt24e00>
75. International Tobacco Information Center. Infogram: reports on programmes and activities. 17 Aug 1983. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ggs57a99>
76. Tobacco Institute of Australia. Sports sponsorship: the right to choose. Sydney Cove: Tobacco Institute of Australia; 1983.



77. Bible G. Philip Morris (Australia) Limited. [Facsimile from G. Bible to H. Maxwell regarding issues affecting the Australian tobacco industry]. 19 Sep 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/dt198e00>
78. Bible G. Philip Morris (Australia) Limited. [Memo from G. Bible to H. Maxwell regarding recent events in Australia]. 22 Sep 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/gkl85e00>
79. The Western Australian government's attempts to pass legislation to ban tobacco promotion. 1984. Philip Morris. <http://legacy.library.ucsf.edu/tid/otu71f00>
80. Tobacco Institute of Australia. Someone's trying to bully innocent West Australians. Think. Is it best for the West? 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/gtu71f00>
81. Tobacco Institute of Australia. Someone could lengthen our dole queue. Think. Is it best for the West? 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/ltu71f00>
82. Tobacco Institute of Australia. Someone's trying to make this against the law. Think. Is it best for the West? 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/ktu71f00>
83. Tobacco Institute of Australia. Someone could end up stumping our cricket. Think. Is it best for the West? 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/itu71f00>
84. Tobacco Institute of Australia. Someone's putting pressure on our sport. Think. Is it best for the West? 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/jtu71f00>
85. Tobacco Institute of Australia. Someone's trying to bully innocent West Australians. Think. Is it best for the West? 1983. British American Tobacco. <http://legacy.library.ucsf.edu/tid/cid47a99>
86. Tobacco Institute of Australia. The bill for this word could be \$1,000. 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/htu71f00>
87. Tobacco Institute of Australia. The bill for wearing this could be \$1,000. 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/ctu71f00>
88. Tobacco Institute of Australia. Would this make you take up smoking? 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/dtu71f00>
89. Tobacco Institute of Australia. He's never seen a cigarette advertisement, so how come he smokes? 13 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/etu71f00>
90. Tobacco institute of Australia. Why are more and more West Australians saying no to banning tobacco advertising? Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/ftu71f00>
91. Australian Publishers Bureau. Your freedom under challenge. 20 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/vsu71f00>
92. Bairstow R. The West Australian. Compass is pro-sport. 29 Sep 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/qqu71f00>
93. Webb W. Philip Morris (Australia) Limited. Weekly highlights. 7 Sep 1984. Philip Morris. <http://legacy.library.ucsf.edu/tid/plr98e00>
94. Government of Western Australia. Give kids a chance: Nobody in their right mind would teach their kids to smoke. 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/xsu71f00>.
95. Government of Western Australia. Give kids a chance: The defenceless minority. 3 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/osu71f00>



96. Australian Council on Smoking and Health. A vote on a life or death issue is worth a phone call to your local M.P. 11 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/qru71f00>
97. Australian Council on Smoking and Health. A vote on a life or death issue is worth a phone call to your local M.P. 12 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/oru71f00>
98. Australian Council on Smoking and Health. A vote on a life or death issue is worth a phone call to your local M.P. 11 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/tru71f00>
99. Australian Council on Smoking and Health. A vote on a life or death issue is worth a phone call to your local M.P. Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/sru71f00>
100. Australian Council on Smoking and Health. A vote on a life or death issue is worth a phone call to your local M.P. 11 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/rru71f00>
101. Australian Council on Smoking and Health. The medical profession is in no doubt about the dangers of smoking to your family's health. 20 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/mru71f00>
102. Hughes J. Skipper Mitsubishi. [Statement supporting tobacco advertising ban published in Daily News]. 17 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/pru71f00>
103. Daily News. Ban is a threat to jobs. 25 Jul 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/jru71f00>
104. The West Australian. Tobacco lobby is for child shield. 28 Jul 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/lru71f00>
105. The West Australian. Govt: We'll fight tobacco lobby. 1 Sep 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/fru71f00>
106. The West Australian. Govt accused of distortion. 14 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/bqu71f00>
107. Le Tourneau R. Daily News. He doesnt smoke, but a ban would ruin him. 8 Sep 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/aru71f00>
108. Givel MS, Glantz SA. Tobacco lobby political influence on US state legislatures in the 1990s. Tobacco Control. 2001; 10:124-134.
109. Francis P. Health warnings and contents labelling - status report. 18 Feb 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/usi19e00>
110. Francis P. Health warnings and contents labelling - status report No. 2. 25 Feb 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/xsi19e00>
111. Bible G. Philip Morris (Australia) Limited. Weekly highlights. 21 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/qli98e00>
112. Francis P. Health warnings and contents labelling - status report No. 4. 11 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/cyc96e00>
113. Bible G. Philip Morris (Australia) Limited. [Memo from G. Bible to H. Maxwell and A. Whist regarding Western Australia]. 27 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/kip14e00>
114. Bible G. Philip Morris (Australia) Limited. Weekly highlights. 30 Sep 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/ntl98e00>
115. Bible G. Philip Morris (Australia) Limited. Weekly highlights. 25 Nov 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/stl98e00>



116. Bible G. Philip Morris (Australia) Limited. Weekly highlights. 1 Jul 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/rs198e00>
117. Burke B. Western Australia, Parliamentary Debates, Legislative Assembly, 29 September 1983. Perth, Western Australia: Government Printer; p. 2702-2752.
118. Maxwell H. [Telex from H. Maxwell to G. Bible regarding outcome of 1983 WA ad ban bill]. 21 Oct 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/lip14e00>
119. Rogers P. TV return for cig? B & t. Advertising, Marketing, and Media Weekly. 1983; November 11:1.
120. Webb W. Philip Morris (Australia) Limited. Weekly highlights. 6 Jul 1984. Philip Morris. <http://legacy.library.ucsf.edu/tid/qku24e00>
121. International Tobacco Information Center. Infotopics: summaries of public information. Vol 4. No 6. 28 Jun 1985. British American Tobacco. <http://legacy.library.ucsf.edu/tid/yxe81a99>
122. Cordova S, World Health Organization. Best practices in tobacco control earmarked tobacco taxes and the role of the Western Australian Health Promotion Foundation (Healthway) [homepage on the Internet]. c2003 [updated No date; cited 2008 Sep 22]. Available from: <http://repositories.cdlib.org/tc/whotcp/WAustralia2003>
123. Parliament of Western Australia Legislative Council. Report of standing committee on legislation in relation to the Tobacco Bill 1990. Nov 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/msz45d00>
124. Tame CR, Elliott N. Freedom Organisation for the Right to Enjoy Smoking Tobacco. Up in smoke: The economics, ethics and politics of tobacco advertising bans. 1991. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/bdy42f00>
125. The Tobacco Institute of New Zealand. Tobacco sponsorship. Feb 1991. British American Tobacco. <http://legacy.library.ucsf.edu/tid/tqc30a99>
126. The Tobacco Institute of New Zealand. A critique of the Ministry of Women's Affairs May 1990 Policy Discussion Paper Number 2, 'Women & Smoking'. Mar 1991. British American Tobacco. <http://legacy.library.ucsf.edu/tid/iea00a99>
127. The Tobacco Institute of India. Workshop on "should cigarette advertising be banned". 5 Jul 1996. British American Tobacco. <http://legacy.library.ucsf.edu/tid/qvc73a99>
128. The Australian Retail Tobacconist. 1991. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ccw73a99>
129. Price Waterhouse. Report on the rationale funding and operations of Health Promotion Foundations in Australia. 1991. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ack76a99>
130. Davies D. Weekly report - Australia. 18 Nov 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/iwn53a00>
131. Price Waterhouse. Comment on the rationale, implications and impacts of health promotion foundations with reference to the Western Australian health promotion foundation. Jan 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/zbk76a99>
132. Riordan M. W.D. & H.O. Wills (Australia) Limited. Australian budget provision for health promotion. 24 May 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/fck76a99>
133. Francis P. Philip Morris (Australia) Limited. [Facsimile regarding advertising campaign against tax increase in Western Australia]. 22 Jun 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/nip14e00>
134. Francis P. Philip Morris (Australia) Limited. [Facsimile with advertisement from campaign against tax increase in Western Australia]. 22 Jun 1983. Philip Morris. <http://legacy.library.ucsf.edu/tid/qjp14e00>

135. Petition against government price increase. Sep 1983. Philip Morris.
<http://legacy.library.ucsf.edu/tid/pip14e00>
136. [Card opposing tax increase addressed to Premier Brian Burke]. Sep 1983. Philip Morris.
<http://legacy.library.ucsf.edu/tid/oip14e00>
137. Sporton J. Philip Morris (Australia) Limited. Weekly highlights. 24 Jun 1983. Philip Morris.
<http://legacy.library.ucsf.edu/tid/ftl98e00>
138. Burke B. Western Australia, Parliamentary Debates, Legislative Assembly, 26 July 1983. Perth, Western Australia: Government Printer; p. 270-271.
139. Wakefield M, Durkin S, Spittal M, Siahpush M, Scollo M, Simpson J, et al. Impact of tobacco control policies and mass media campaigns on monthly adult smoking prevalence. *American Journal of Public Health*. 2008; 98(8):1443-1450.
140. Morgan J. Philip Morris U.S.A. Value segment synopsis - The Australian market. 9 Mar 1990. Philip Morris.
<http://legacy.library.ucsf.edu/tid/yki80b00>
141. Bible G. Philip Morris Companies Inc. Australia. 3 Mar 1993. Philip Morris.
<http://legacy.library.ucsf.edu/tid/bzo07e00>
142. Annual Report 1995. 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/fww86c00>
143. Commonwealth of Australia. The Constitution [statute on the Internet]. c2003 [updated 2003 Jun 1; cited 2009 Feb 4]. Available from: ComLaw.
144. Quit Victoria. Tobacco taxes in Australia [homepage on the Internet]. c1995 [updated No date; cited 2008 Oct 15]. Available from: <http://www.quit.org.au/quit/Fandl/fandi/c07s2.htm>.
145. Australian Electoral Commission. Australian Labor Party National Secretariat political party annual return 2002/2003 [homepage on the Internet]. c2003 [updated 2003 Oct 20; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
146. Australian Electoral Commission. Liberal Party of Australia political party annual return 2006/2007 [homepage on the Internet]. c2007 [updated 2007 Dec 11; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
147. Australian Electoral Commission. British American Tobacco Australia donor annual return 2006/2007 [homepage on the Internet]. c2007 [updated 2007 Nov 19; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
148. Australian Electoral Commission. Philip Morris Limited donor annual return 2006/2007 [homepage on the Internet]. c2007 [updated 2007 Nov 14; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
149. Borland R, Hill D. The path to Australia's tobacco health warnings. *Addiction*. 1997; 92(9):1151-1157.
150. Centre for Behavioural Research in Cancer. Health warnings and contents labelling on tobacco products. Review, research and recommendations prepared for the Ministerial Council on Drug Strategy Tobacco Task Force on tobacco health warnings and contents labelling in Australia. Centre for Behavioural Research in Cancer, Anti-Cancer Council of Victoria; 1992.
151. Francis P. Philip Morris (Australia) Limited. Health warnings. 30 Jun 1992. Philip Morris.
<http://legacy.library.ucsf.edu/tid/iro16e00>
152. Murray W. Philip Morris Companies Inc. [Letter to P. Keating from the President and Chief Operating Officer of Philip Morris Companies Inc. regarding pack health warnings]. 26 Jun 1992. Philip Morris.
<http://legacy.library.ucsf.edu/tid/mro16e00>



153. Murray W. Philip Morris Companies Inc. [Letter to C. Lawrence from the President and Chief Operating Officer of Philip Morris Companies Inc. regarding pack health warnings]. 22 Jun 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/mfj19e00>
154. McKimmie M. The West Australian. Warning rules for cigarettes made tougher. 24 Dec 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/rpr82e00>
155. Winokur MN. Philip Morris International Inc. Pack labelling strategy. 24 Dec 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/jih87e00>
156. Bible G. Western Australia regulations. 31 Dec 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/zro16e00>
157. Webb WH. Philip Morris Asia/Pacific (Hong Kong). Western Australia - health warning regulations. 5 Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/wsi19e00>
158. Chapman S, Carter S. "Avoid health warnings on all tobacco products for just as long as we can": a history of Australian tobacco industry efforts to avoid, delay and dilute health warnings on cigarettes. *Tobacco Control*. 2003; 12(Suppl III):iii13-iii22.
159. Industry issues key message points. Jan 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/qac55d00>
160. Philip Morris Group of Companies. Philip Morris Group of Companies to sponsor 'One Australia' 1995 America's Cup Challenge. Nov 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/hxv65e00>
161. [One Australia speech]. 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/ujh67c00>
162. Swift JR. Australian Embassy Visit. 7 Feb 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/lkh67c00>
163. Webb WH. Philip Morris Asia/Pacific (Hong Kong). Western Australia regulations. Jan 11 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/dti19e00>
164. Webb WH. Philip Morris. Health warning regulations in Western Australia. 15 Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ktf87e00>
165. Smith OC. Philip Morris International Inc. Western Australia labelling regulations. 8 Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/hih87e00>
166. [Sketches of Western Australian pack labelling]. 8 Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/iih87e00>
167. Owen J. Wills New Zealand. [Letter from J Owen to D Bacon regarding copy of the tobacco control regulations] 22 Jan 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/tqs48a99>
168. Francis P. Health warnings and contents labelling. 19 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/eyc96e00>
169. Francis P. Health warnings and contents labelling. 12 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/hyc96e00>
170. The Council of the European Communities. Council Directive of 13 November 1989 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the labelling of tobacco products. 13 Nov 1989. Philip Morris. <http://legacy.library.ucsf.edu/tid/qjo63c00>
171. Health warnings in Australia. 14 Jul 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/lej43a99>
172. Action on Smoking and Health. ASH bulletin. 24 Sep 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/hyd54a99>



173. Winokur MN. Australia Update. 3 Dec 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/adt81f00>
174. Goldberg H. Philip Morris. [Letter from Henry Goldberg to Jeffrey G Kennett regarding tobacco products] 8 Jul 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/kzj43a99>
175. Goldberg H. Philip Morris. One Australia - potential use. 15 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/fyc96e00>
176. Bible G. Philip Morris Companies Inc. [Facsimile cover sheet]. 15 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/gyc96e00>
177. Winokur MN. Australian HW labels. 23 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/slr52e00>
178. Webb WH. Philip Morris Asia/Pacific (Hong Kong). Australian health warnings. 23 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ysi19e00>
179. Webb WH. Australia health warnings. 23 Apr 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/kti19e00>
180. Webb WH. Philip Morris International Inc. Australia - health warnings and the tobacco industry inquiry. 16 Jul 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ndd42e00>
181. Eggleton GD. Clayton Utz. Proposed Commonwealth tobacco labelling regulations. 16 Dec 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/vak02a00>
182. Davies D. Labelling: Western Australia. 8 Apr 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/yul19e00>
183. Tobacco Documentation Centre. Infotopics: media monitoring from TDC No. 12. Dec 1994. British American Tobacco. <http://legacy.library.ucsf.edu/tid/jxu93a99>
184. WA Health Minister wants a generic packaging for cigarettes. 11 Dec 1994. British American Tobacco. <http://legacy.library.ucsf.edu/tid/wuw24a99>
185. Allen WD. RJR Tobacco International. Summary of Meetings held with Rothmans, Australia on February 24, 1993. 4 Mar 1993. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/hxy61d00>
186. Davies DR. Philip Morris Companies Inc. MCDS labelling recommendations. 8 Jul 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ltf87e00>
187. Philip Morris Asia/Pacific. 3 Year Plan 1993-1995. Dec 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/ivp62e00>
188. Philip Morris (Australia) Limited. [Philip Morris Limited staff information booklet]. 1 Jan 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/sun32e00>
189. Tobacco Documentation Centre. Infotopics: media monitoring from TDC No. 7. Jul 1994. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/cjh97c00>
190. Hodgson R. Philip Morris Group. Calls to have nicotine in tobacco listed as a scheduled poison. 20 Nov 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/nue77a00>
191. Tobacco Merchants Association. Executive summary. 28 Jun 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/sfa60a99>
192. Australian Medical Association. National campaign to have nicotine listed as 'poison'. 26 Nov 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ceu14a99>
193. Ritchie V. W.D. & H.O. Wills (Australia) Limited. Moves in Australia to declare nicotine in tobacco a poison. 27 Nov 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/tsb81a99>



194. Staunton D. Poisons listing. 26 Nov 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/noc53a00>
195. Staunton D. Poisons listing - WA. 3 Nov 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/koc53a00>
196. Windholz E. Poisons listing - WA. 2 Nov 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/joc53a00>
197. Windholz E. Poisons legislation. 3 Nov 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/ioc53a00>
198. Butler J. The West Australian. Smokers face tough new curbs. 16 Dec 1995. British American Tobacco. <http://legacy.library.ucsf.edu/tid/scu14a99>
199. Whidden RG. Philip Morris Management Corp. Australia - poison regulation. 5 Dec 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/poc53a00>
200. Staunton D. Poison listing for cigarettes. 8 Aug 1995. Philip Morris. <http://legacy.library.ucsf.edu/tid/zuk17d00>
201. McCarthy PJ. Winston & Strawn. Philip Morris litigation. 9 Jan 1996. Philip Morris. <http://legacy.library.ucsf.edu/tid/lbz97d00>
202. Consumer & Regulatory Affairs Australian taskforce. 1 Feb 1996. British American Tobacco. <http://legacy.library.ucsf.edu/tid/oji45a99>
203. Prince J. Philip Morris Management Corp. Western Australia tobacco action plan - proposed response. 22 Jun 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/wkt52a00>
204. Trotter L, Chapman S. "Conclusions about exposure to ETS and health that will be unhelpful to us": How the tobacco industry attempted to delay and discredit the 1997 Australian National Health and Medical Research Council report on passive smoking. *Tobacco Control*. 2003; 12:102-6.
205. Bialous SA, Glantz S. ASHRAE Standard 62: tobacco industry's influence over national ventilation standards. *Tobacco Control*. 2002; 11:315-328.
206. Drope J, Bialous SA, Glantz S. Tobacco industry efforts to present ventilation as an alternative to smoke-free environments in North America. *Tobacco Control*. 2004; 13:41-47.
207. Drope J, Chapman S. Tobacco industry efforts at discrediting scientific knowledge of environmental tobacco smoke: a review of internal industry documents. *Journal of Epidemiology and Community Health*. 2001; 55:588-594.
208. Dearlove JV, Bialous SA, Glantz S. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tobacco Control*. 2002; 11:94-104.
209. Chapman S, Penman A. "Can't stop the boy": Philip Morris' use of Healthy Buildings International to prevent workplace smoking bans in Australia. *Tobacco Control*. 2003; 12:107-12.
210. Friedman MP. Philip Morris Corporate Services Inc. Update - Western Australia ETS taskforce. 27 Apr 1998. Philip Morris. <http://legacy.library.ucsf.edu/tid/wqa06c00>
211. Australian Public Service Commission. Public Service Board Memorandum 86/9055: Towards a smoke-free workplace - Guidelines for achieving smoke-free working environments in the APS [homepage on the Internet]. 1986 [updated 1986 Nov 11; cited 2009 Feb 9]. Available from: <http://www.apsc.gov.au/circulars/circular869055.htm>.
212. Commonwealth of Australia. Scientific evidence mounts against passive smoking [press release]. Canberra: Department of Health and Ageing; 1997 Nov 24. Available from: <http://www.health.gov.au/internet/main/publishing.nsf/Content/health-archive-mediarel-1997-mw13797.htm>.

213. Shook Hardy & Bacon. Report on recent ETS and IAQ developments, issue 83. 21 Oct 1994. Lorillard.
<http://legacy.library.ucsf.edu/tid/bkl23c00>
214. Prince K. Ian Taylor to head task force on passive smoking in public places [press release]. Perth: Office of the Minister for Health, Government of Western Australia; 1996 Aug 24.
215. Task Force on Passive Smoking. Report of the Western Australian Task Force on Passive Smoking in Public Places. Perth: Task Force on Passive Smoking; 1997.
216. Irving M. The West Australian. Hotels bid to stave off total smoking ban. 4 Feb 1998. Philip Morris.
<http://legacy.library.ucsf.edu/tid/yao32c00>
217. Western Australian Taskforce on Passive Smoking in Public Places. Report of the Western Australian taskforce on passive smoking in public places. Oct 1997. Philip Morris. <http://legacy.library.ucsf.edu/tid/azo47d00>
218. Barba-Erlitz T. Philip Morris International Inc. PMI Corporate affairs weekly highlights by region. 18 Aug 1997. Philip Morris. <http://legacy.library.ucsf.edu/tid/ptk52c00>
219. O'Brien D. Spring O'Brien. [Letter to M. Pottorff, Philip Morris Inc., regarding ban on smoking in public places in Western Australia]. 4 Jan 1998. Philip Morris. <http://legacy.library.ucsf.edu/tid/abo32c00>
220. Tobacco Documentation Centre. Smoking issues status book: February 1998. 1998. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/jbq53a99>
221. Today's news. 9 Mar 1998. British American Tobacco. <http://legacy.library.ucsf.edu/tid/dxh23a99>
222. Today's news. 10 Dec 1998. British American Tobacco. <http://legacy.library.ucsf.edu/tid/tip73a99>
223. Keane DF. Philip Morris Companies Inc. WRA monthly report - January 1999. 11 Feb 1999. Philip Morris.
<http://legacy.library.ucsf.edu/tid/don11b00>
224. Government of Western Australia. Government Gazette no. 260 [homepage on the Internet]. Government Printer; 1998 [updated 1998 Dec 31; cited 2009 Apr 29]. Available from: State Law Publisher.
225. Occupational Safety and Health Regulations of 1996 [Statute on the internet]. c2009 [updated 2009 Apr 29]. Available from: State Law Publisher.
226. Health (Smoking in Enclosed Public Places) Regulations 1999, WA [statute on the Internet]. c1999 [updated ceased 2003 Dec 1]. Available from: State Law Publisher.
227. Tobacco Merchants Association. World alert. 30 Aug 2000. RJ Reynolds.
<http://legacy.library.ucsf.edu/tid/cfq65a00>
228. Tobacco Merchants Association. Executive summary. 15 Oct 2004. Philip Morris.
<http://legacy.library.ucsf.edu/tid/cpc17a00>
229. Tobacco Merchants Association. Executive summary. 18 Mar 2005. Philip Morris.
<http://legacy.library.ucsf.edu/tid/hoc17a00>
230. Macadam P. [Letter from P. Macadam to C. Court regarding meeting in Perth]. 24 Aug 1982. British American Tobacco. <http://legacy.library.ucsf.edu/tid/cgj28a99>
231. Sheehy P. [Letter to C. Court regarding P. Sheehy's appointment]. 18 Aug 1982. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/iwe21a99>
232. Court C. [Letter from C. Court to P. Macadam regarding Australian economy]. 4 Aug 1982. British American Tobacco. <http://legacy.library.ucsf.edu/tid/dgj28a99>



233. Tobacco Merchants Association. [World alert]. 15 Nov 2000. RJ Reynolds.
<http://legacy.library.ucsf.edu/tid/ulo85a00>
234. Goldberg H. 1994 Second revised forecast presentation. May 1994. Philip Morris.
<http://legacy.library.ucsf.edu/tid/ygn32e00>
235. Shook Hardy & Bacon. Current regulatory developments report. 24 Jul 1998. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/myf63a99>
236. Tobacco Merchants Association. World alert. 29 Sep 2004. Philip Morris.
<http://legacy.library.ucsf.edu/tid/npc17a00>
237. Australian Electoral Commission. Liberal Party of Australia political party annual return 2002/2003 [homepage on the Internet]. c2003 [updated 2003 Oct 20; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
238. Australian Electoral Commission. Liberal Party of Australia (WA Division) Inc political party annual return 2004/2005 [homepage on the Internet]. c2005 [updated 2005 Oct 20; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
239. Australian Electoral Commission. Liberal Party of Australia (WA Division) Inc political party annual return 2005/2006 [homepage on the Internet]. c2006 [updated 2006 Oct 19; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
240. Australian Electoral Commission. Liberal Party of Australia (WA Division) Inc political party annual return 2002/2003 [homepage on the Internet]. c2003 [updated 2003 Oct 24; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
241. Australian Electoral Commission. Australian Labor Party (WA branch) political party annual return 2002/2003 [homepage on the Internet]. c2003 [updated 2003 Dec 17; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
242. Australian Electoral Commission. Australian Labor Party (WA branch) political party annual return 2003/2004 [homepage on the Internet]. c2005 [updated 2005 Jan 5; cited 2008 Apr 16]. Available from: <http://fadar.aec.gov.au>.
243. Scollo MM, Winstanley MH. Tobacco in Australia: Facts and Issues. Third ed. Melbourne: Cancer Council Victoria; 2008.
244. Donovan RJ, Fisher DA, Armstrong BK. 'Give it away for a day': an evaluation of Western Australia's first smoke free day. *Community Health Studies*. 1984; 8(3):301-306.
245. Campbell-Johnson Limited. Smoking and health. 12 Dec 1983. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/udk87a99>
246. Donovan RJ, Fisher DA, Armstrong BK. *British Medical Journal*. Medicine and the media. 10 Dec 1983. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/axk72f00>
247. Anti-smoking campaign in Western Australia: QED. 25 Apr 1984. British American Tobacco.
<http://legacy.library.ucsf.edu/tid/htj47a99>
248. Grice HB. Tobacco Advisory Council. [Letter to A. Hart, BBC1 Controller, from H.B. Grice, Executive Director, Tobacco Advisory Council]. 1 May 1984. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ftj47a99>
249. *New York State Journal of Medicine*. Western Australia gives health promotion the nod. Jul 1985. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/cmi82f00>

250. Rylander R. University of Gothenburg. Smoking and health activities in Western Australia. Apr 1988. Philip Morris. <http://legacy.library.ucsf.edu/tid/qtt78e00>
251. Swanson MG. Health Department of Western Australia. [Letter from M. Swanson, Director of Health Promotion Services Branch of WA Health Department, to CEO Philip Morris Companies Inc]. 27 May 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/qxl16e00>
252. Davies D. Weekly report - Australia. 10 Jun 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/dot82e00>
253. Australian Council on Smoking and Health. Smoking or Health. Jun 1994. British American Tobacco. <http://legacy.library.ucsf.edu/tid/fgm24a99>
254. Tobacco Documentation Centre. Infotopics: media monitoring from TDC, No. 9. Sep/Oct 1996. Brown & Williamson. <http://legacy.library.ucsf.edu/tid/kvu11c00>
255. Australian Council on Smoking and Health. Children like cigarette ads better than other ads. 20 Dec 1988. Philip Morris. <http://legacy.library.ucsf.edu/tid/dlj29e00>
256. International Tobacco Information Center. Infotopics: summaries of public information from INFOTAB, No. 7. Jul 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/pvl40c00>
257. Crawshaw S. Infomat - Building a quality organisation. British American Tobacco. <http://legacy.library.ucsf.edu/tid/uaz18a99>
258. Hall C. [Letter from C. Hall to D. Bacon regarding reliable delivery of the Infomat Tailored Information Service] 15 Mar 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/jaz18a99>
259. Infomat - auto abstracts. 8 Oct 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/etb08a99>
260. Kay DLC, Pritchard WS. American Public Health Association Meeting. 28 Jan 1994. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/wfb20d00>
261. Barba-Erlitz T. Corporate affairs weekly highlights. 10 Oct 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/fnz74a00>
262. University of Geneva. Report of the inquiry into the case concerning Prof. Ragnar Rylander [homepage on the Internet]. 2004 [updated 2004 Sep 6; cited 2008 Sep 12]. Available from: <http://www.prevention.ch/rye060904.pdf>.
263. Rylander R. Trip report Perth, Western Australia February-March 1998. Mar 1998. Philip Morris. <http://legacy.library.ucsf.edu/tid/yvp67e00>
264. Rylander R. University of Gothenburg. [Letter to T. Osdene, Philip Morris Director of Science and Technology, from R. Rylander regarding Australian trip report]. 7 Apr 1988. Philip Morris. <http://legacy.library.ucsf.edu/tid/utt78e00>
265. Wall CR. Philip Morris Companies Inc. Philip Morris research. 23 Jul 1992. Philip Morris. <http://legacy.library.ucsf.edu/tid/oam88d00>
266. Rylander R, Axelsson O, Megevand Y, Dahlberg C, Liljeqvist T, Sundh V. Dietary habits for non-smoking females living with smokers or non-smokers. 1999. Philip Morris. <http://legacy.library.ucsf.edu/tid/slm94c00>
267. McKee M. European Journal of Public Health. [Letter to R. Rylander from M. McKee, Editor in Chief]. 8 Jun 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/ulm94c00>
268. Kallin A. European Journal of Public Health. [Letter to R. Rylander from A. Kallin, Managing Editor]. 11 Sep 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/vlm94c00>



269. Hedley AJ. Potential conflicts of interest and the need for full disclosure. 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/tlm94c00>
270. McKee M. European Journal of Public Health. Smoke and mirrors: clearing the air to expose the tactics of the tobacco industry. 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/xlm94c00>
271. Rylander R. University of Gothenburg. Potential conflicts of interest and the need for full disclosure: reply. 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/wlm94c00>
272. McKee M. European Journal of Public Health. [Letter to R. Rylander from M. McKee, Editor in Chief]. 28 Nov 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/bmm94c00>
273. Rylander R. University of Gothenburg. [Letter to M. McKee from R. Rylander]. 18 Dec 2000. Philip Morris. <http://legacy.library.ucsf.edu/tid/dmm94c00>
274. McKee M. European Journal of Public Health. [Letter to R. Rylander from M. McKee, Editor in Chief]. 6 Feb 2001. Philip Morris. <http://legacy.library.ucsf.edu/tid/jje90c00>
275. Rylander R. Trip report Singapore - Perth - Sydney March 1-13, 2001. Mar 2001. Philip Morris. <http://legacy.library.ucsf.edu/tid/wov34a00>
276. Rylander R. University of Gothenburg. [Letter to R. Solana, Philip Morris, from R. Rylander regarding trip report]. 16 Mar 2001. Philip Morris. <http://legacy.library.ucsf.edu/tid/xov34a00>
277. Editorial note. European Journal of Public Health. 2006; 16(3):233.
278. Shook Hardy & Bacon. Report on Recent ETS and IAQ Developments. 19 Mar 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/cim52e00>
279. Bible GC. [Australia: Marketing: Labelling issues]. 18 Jan 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ulr52e00>
280. Philip Morris Companies. Philip Morris Companies Inc. Legal Department Five Year Plan 1994-1998. 1994. Philip Morris. <http://legacy.library.ucsf.edu/tid/lfc87e00/pdf>.
281. Tobacco Institute of Australia. Burswood Casino media statement: Win scenario. 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/pon87e00>
282. Tobacco Institute of Australia. Burswood casino media statement: Loss scenario. 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/qon87e00>
283. Fowler GL. Re: Woodward draft media statement, Burswood draft media statements. 3 Sep 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ron87e00>
284. Hodgson R. [Fax to Mary Pottorff]. 22 Sep 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/pny83e00>
285. Gething RJ. Before: R.J. Gething S.M. Between: Marion Joy Hintz Occupational Health, Safety & Welfare Complainant and Burswood Resort (Management) Limited t/as Burswood Resort Casino Defendant Reasons for Decision Complaint No. 19515-16 of 920000. 17 Sep 1993. British American Tobacco. <http://legacy.library.ucsf.edu/tid/cug10a99>
286. Tobacco Institute of Australia. Court finds passive smoking not a health risk to employees. 17 Sep 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/ntb37d00>
287. Goodheart J, Winokur MN. Workplace smoking ruling/Australia. 8 Dec 1993. Philip Morris. <http://legacy.library.ucsf.edu/tid/nsr95e00>

288. Sloan FA, Mathews CA, Trogdon JG. Impacts of the Master Settlement Agreement on the tobacco industry. *Tobacco Control*. 2004; 13:356-361.
289. Prince K. Western Australia, Parliamentary Debates, Legislative Assembly, 9 June 1998. Perth, Western Australia: Government Printer; p. 3570.
290. Tobacco Merchants Association. World alert. 23 Mar 2000. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/vqi65a00>
291. Shook Hardy & Bacon. Current regulatory developments report, issue 243. 9 Mar 2001. Philip Morris. <http://legacy.library.ucsf.edu/tid/ksr82c00>
292. Tobacco Merchants Association. Daily executive summary. 2 Sep 2003. Philip Morris. <http://legacy.library.ucsf.edu/tid/qxw07a00>
293. Tobacco Merchants Association. Executive summary. 5 Sep 2003. Philip Morris. <http://legacy.library.ucsf.edu/tid/oja17a00>
294. Commonwealth of Australia. Judiciary Amendment Bill 2008 [homepage on the Internet]. c2008 [updated 2008 Jun 4; cited 2008 Dec 1]. Available from: <http://www.aph.gov.au/library/Pubs/bd/2007-08/08bd122.htm>.
295. Tobacco Documentation Centre. Infotopics: media monitoring from TDC No. 11. Nov 1996. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/dlt90d00>
296. Australian Medical Association Western Australian Branch. Your family at risk? A warning from your doctor. 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/iku34e00>
297. Tobacco Merchants Association. World alert. 8 Jun 2000. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/hiw65a00>
298. Tobacco Merchants Association. Executive summary. 20 Jun 1997. Brown & Williamson. <http://legacy.library.ucsf.edu/tid/phh02d00>
299. Anti-smoking organizations calendar of major meetings and events. 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/wym40c00>
300. Mason JO. U.S. Department of Health and Human Services. Keynote address: Seventh World Conference on Tobacco and Health. 5 Apr 1990. American Tobacco. <http://legacy.library.ucsf.edu/tid/fix84f00>
301. Health Department of Western Australia. Seventh World Conference on Tobacco and Health registration book. 1 Apr 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/yjy14e00>
302. International Tobacco Information Center. Infotopics: summaries of public information, Vol. 8 No. 9. 29 Sep 1989. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/uyn40c00>
303. Durston B, Jamrozik K. Proceedings of the Seventh World Conference on Tobacco and Health, 1st - 5th April 1990, Perth, Western Australia. 5 Apr 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/rqz45d00>
304. Seventh World Conference on Tobacco and Health: theme and content. 1990. American Tobacco. <http://legacy.library.ucsf.edu/tid/hef21a00>
305. Bacon D. W.D. & H.O. Wills (Australia) Limited. Press release: Seventh World Conference on Tobacco and Health. 13 Dec 1989. British American Tobacco. <http://legacy.library.ucsf.edu/tid/jrl43a99>
306. Zahn LS. Leonard Zahn and Associates Incorporated. [Letter to S. Boyse from L. Zahn regarding Seventh World Conference on Tobacco and Health]. 5 Jan 1990. British American Tobacco. <http://legacy.library.ucsf.edu/tid/hhs08a99>



307. Turner ADC. Tobacco Advisory Council. [Letter regarding Seventh World Conference on Tobacco and Health]. 24 Jul 1989. British American Tobacco. <http://legacy.library.ucsf.edu/tid/nlw32a99>
308. King TCH. International Tobacco Information Centre. Seventh World Conference on Tobacco and Health. 12 Mar 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/mfq52f00>
309. INFOTAB. Background material for enquires received during the Seventh World Conference on Tobacco and Health. Mar 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/nfq52f00>
310. Set of texts on the importance and impact on the world tobacco trade: for media use. Mar 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/ofq52f00>
311. The socio-economic importance of tobacco to developing countries and the implications if their tobacco industries are jeopardised. Mar 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/pfq52f00>
312. World Conference on Tobacco and Health: monitoring report no. P90/6D. 4 Mar 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/zeq52f00>
313. World Conference on Tobacco and Health: monitoring report no. P90/12. 4 Apr 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/kvl40c00>
314. World Conference on Tobacco and Health: monitoring report no. P90/6C. Apr 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/fue77e00>
315. World Conference on Tobacco and Health: monitoring report no. P90/10. 4 Apr 1990. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/yci43d00>
316. World Conference on Tobacco and Health: monitoring report no. P90/11. 4 Apr 1990. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/ipd13a00>
317. World Conference on Tobacco and Health: monitoring report no. P90/39. 5 Apr 1990. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/zec20d00>
318. World Conference on Tobacco and Health: resolutions. 5 Apr 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/gfq52f00>
319. Glantz S. Seventh World Conference on Tobacco and Health: transcript. Apr 1990. British American Tobacco. <http://legacy.library.ucsf.edu/tid/ofh23a99>
320. Connelly GN. Transcript of presentation by Dr. Gregory N. Connelly entitled 'Crimes and misdemeanors - Institutional investors and the US tobacco industry'. 7 Apr 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/pka34e00>
321. Fried D. Philip Morris Companies Inc. Shareholders' proposals. 10 Apr 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/pzz26e00>
322. Tobacco Merchants Association. Special report: the Seventh World Conference on Tobacco and Health Perth, Australia. Apr 1990. American Tobacco. <http://legacy.library.ucsf.edu/tid/tgr85f00>
323. Oglesby MB. RJR Nabisco. Bi-weekly status report. 6 Apr 1990. RJ Reynolds. <http://legacy.library.ucsf.edu/tid/xqg24d00>
324. Bloxcidge J. Summary: 7th World Conference on Tobacco and Health. 6 Apr 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/seq52f00>
325. Wells K. Seventh World Conference on Tobacco and Health. 19 Apr 1990. Brown & Williamson. <http://legacy.library.ucsf.edu/tid/cpx70f00>

326. INFOTAB. Infotopics: summaries of public information from INFOTAB, no. 4. Apr 1990. Tobacco Institute. <http://legacy.library.ucsf.edu/tid/yvl40c00>
327. INFOTAB. Seizing the initiative: action on environmental tobacco smoke. Oct 1990. Philip Morris. <http://legacy.library.ucsf.edu/tid/gzv19e00>
328. Harper T, Martin J. Trojan Horses: how the tobacco industry infiltrates the smoke-free debate in Australia. *Australian and New Zealand Journal of Public Health*. 2002; 26(6):572-3.
329. Australian Institute of Health and Welfare. 2004 National Drug Strategy Household Survey: State and territory supplement. AIHW cat. no. PHE 61 [Canberra: AIHW; 2005].
330. Australian Institute of Health and Welfare. 2007 National Drug Strategy Household Survey: State and territory supplement. Drug Statistics Series number 21. Cat. no. PHE 102 [Canberra: AIHW; 2008].
331. National Preventative Health Taskforce. Technical report No 2. Tobacco in Australia: Making smoking history. Commonwealth of Australia; 2008.
332. Action on Smoking and Health Australia. Action on Smoking and Health [homepage on the Internet]. c2008 [updated No date; cited 2008 Oct 13]. Available from: <http://www.ashaust.org.au/>.
333. Advertising Federation of Australia. About AFA [homepage on the Internet]. no date [updated no date; cited 2009 Feb 10]. Available from: <http://www.afa.org.au/public/content/ViewCategory.aspx?id=315>.
334. Advertising Standards Bureau. Overview [homepage on the Internet]. c2006 [updated no date; cited 2009 Feb 10]. Available from: <http://www.adstandards.com.au/pages/page13.asp>.
335. The Thoracic Society of Australia & New Zealand. About TSANZ [homepage on the Internet]. no date [updated no date; cited 2009 Feb 10]. Available from: <http://www.thoracic.org.au/about.html>.
336. Toll B, Ling P. The Virginia Slims identity crisis: an inside look at tobacco industry marketing to women. *Tobacco Control*. 2005; 14:172-180.
337. Commonwealth of Australia. Associated Newsagents (WA) Co-operative Ltd [homepage on the Internet]. 2008 [updated no date; cited 2009 Feb 10]. Available from: <http://www.accc.gov.au/content/index.phtml/itemId/288397/fromItemId/815972/quickLinkId/815429/whichType/org>.
338. Monbiot G. Exposed: the secret corporate funding behind health research [homepage on the Internet]. *The Guardian*; c2006 [updated 2006 Feb 7; cited 2008 Sep 17]. Available from: <http://www.guardian.co.uk/science/2006/feb/07/businessofresearch.smoking>.
339. Australian Council on Smoking and Health. About ACOSH [homepage on the Internet]. c2008 [updated No date; cited 2009 Jan 21]. Available from: <http://www.acosh.org/about/>.
340. Australian Medical Association. Introducing the AMA: from the President [homepage on the Internet]. c2008 [updated 2008 Dec 22; cited 2009 Apr 8]. Available from: <http://www.ama.com.au/about/introducing-the-ama>.
341. Australian Publishers' Bureau. About the Australian Publishers' Bureau [homepage on the Internet]. c2006 [updated No date; cited 2008 Sep 15]. Available from: <http://www.publishersbureau.com.au/index.php>.
342. British American Tobacco. About us [homepage on the Internet]. c2008 [updated 2008 Jun 6; cited 2009 Jan 21]. Available from: http://www.bat.com/group/sites/uk__3mnfen.nsf/vwPagesWebLive/DO52AD6H?opendocument&SKN=1.
343. SourceWatch. British American Tobacco [homepage on the Internet]. c2008 [updated 2008 Sep 11; cited 2008 Oct 13]. Available from: http://www.sourcewatch.org/index.php?title=British_American_Tobacco.



344. The Cancer Council WA. About us [homepage on the Internet]. c2008 [updated 2008 Oct 29; cited 2009 Jan 21]. Available from: <http://www.cancerwa.asn.au/aboutus/>.
345. Government of Western Australia. The Department of Sport and Recreation story [homepage on the Internet]. c2009 [updated 2008 Aug 27; cited 2009 Apr 30]. Available from: <http://www.dsr.wa.gov.au/index.php?id=96#1973>.
346. Australian Trade Union Archives. Federated tobacco & cigarette & cigar workers union of Australasia (1969 - 1979) [homepage on the Internet]. 2006 [updated 2006 Jun 29; cited 2009 Apr 8]. Available from: <http://www.atua.org.au/biogs/ALE1031b.htm>.
347. SourceWatch. Freedom Organisation for the Right to Enjoy Smoking Tobacco [homepage on the Internet]. c2008 [updated 2008 Apr 5; cited 2008 Sep 15]. Available from: <http://www.sourcewatch.org/index.php?title=FOREST>.
348. Lawson V. Glamour puff. *Tobacco Control*. 2003; 12:3-5.
349. National Independent Retailers Association [homepage on the Internet]. 2009 [updated no date; cited 2009 Apr 8]. Available from: <http://www.nira.com.au/webs/nira/niraweb.nsf>.
350. Telethon Institute for Child Health Research. Mission and aims [homepage on the Internet]. 2007 [updated 2007 Jan 23; cited 2009 Apr 8]. Available from: <http://www.ichr.uwa.edu.au/about/mission>.
351. Lorillard Tobacco Company [homepage on the Internet]. c2009 [updated no date; cited 2009 Apr 30]. Available from: <http://www.lorillard.com>.
352. Lovell White Durrant. Feb 1997. <http://legacy.library.ucsf.edu/tid/zgy23a99>
353. Media Monitors. Media Monitors: our company [homepage on the Internet]. c2007 [updated No date; cited 2008 Oct 13]. Available from: <http://www.mediamonitors.com.au/ContentPage.aspx?pageContentId=107>.
354. National Heart Foundation of Australia. Heart Foundation: about us [homepage on the Internet]. c2008 [updated 2008 Nov 15; cited 2009 Jan 21]. Available from: http://www.heartfoundation.org.au/About_Us/Pages/default.aspx.
355. National Health and Medical Research Council. About [homepage on the Internet]. c2008 [updated 2008 Nov 26; cited 2009 Apr 30]. Available from: <http://www.nhmrc.gov.au/about/index.htm>.
356. National Association of Manufacturers. About us [Homepage on the Internet]. c2008 [updated No date; cited 2008 Oct 13]. Available from: <http://www.nam.org/AboutUs.aspx>.
357. Outdoor Media Association Inc. About the OMA [homepage on the Internet]. no date [updated no date; cited 2009 Apr 30]. Available from: <http://oma.org.au/about-the-OMA/>.
358. Philip Morris International. About Hong Kong [homepage on the Internet]. no date [updated no date; cited 2009 Apr 30]. Available from: <http://www.pmicareers.com/country/hkg/about.asp>.
359. Philip Morris International. About Australia [homepage on the Internet]. c2008 [updated No date; cited 2008 Oct 13]. Available from: <http://www.pmicareers.com/COUNTRY/aus/about.asp>.
360. Quit Victoria. Philip Morris (Australia) Limited [homepage on the Internet]. c1995 [updated No date; cited 2008 Sep 15]. Available from: <http://www.quit.org.au/quit/fandi/fandi/c14s9.htm>.
361. Philip Morris International. Press release: Altria Group, Inc., new name of parent company of Kraft Foods, Philip Morris International and Philip Morris USA [homepage on the Internet]. c2009 [updated 2003 Jan 27; cited 2009 Apr 30]. Available from: http://www.philipmorrisinternational.com/PMINTL/pages/eng/press/pr_20030127.asp.

362. Philip Morris USA Inc. About Philip Morris USA [homepage on the Internet]. c2009 [updated No date; cited 2009 Jan 21]. Available from: http://philipmorrisusa.com/en/cms/Company/Corporate_Structure/default.aspx?src=top_nav.
363. PriceWaterhouseCoopers. The history of PwC in Australia [homepage on the Internet]. c2009 [updated no date; cited 2009 Apr 30]. Available from: <http://www.pwc.com/extweb/aboutus.nsf/docid/7164648CE4C12110CA25704B002F2B84>.
364. RJ Reynolds. R.J. Reynolds Tobacco Company fact book [homepage on the Internet]. no date [updated no date; cited 2009 Apr 30]. Available from: <http://www.rjrt.com/company/profileFactBook.asp>.
365. Quit Victoria. Rothmans Holdings Limited [homepage on the Internet]. c1995 [updated No date; cited 2008 Sep 15]. Available from: <http://www.quit.org.au/quit/FandI/fandi/c14s7.htm>.
366. Roy Morgan Research: about us [homepage on the Internet]. c2007 [updated No date; cited 2008 Oct 13]. Available from: http://www.roymorgan.com/company/about-us/about-us_home.cfm.
367. VicSport. About VicSport [homepage on the Internet]. c2007 [updated no date; cited 2009 Apr 30]. Available from: <http://www.vicsport.asn.au/About/>.
368. SourceWatch. Tobacco Advisory Council [homepage on the Internet]. c2008 [updated 2008 Sep 12; cited 2009 Apr 8]. Available from: http://www.sourcewatch.org/index.php?title=Tobacco_Advisory_Council.
369. SourceWatch. Tobacco Documentation Centre [homepage on the Internet]. c2008 [updated 2008 Sep 12; cited 2008 Oct 13]. Available from: http://www.sourcewatch.org/index.php?title=TDC%2C_Tobacco_Documentation_Centre.
370. Scollo MM, Winstanley MH, editors. Tobacco in Australia: Facts and Issues. Third ed. Melbourne: Cancer Council Victoria; 2008.
371. Tobacco Merchants Association. About TMA [homepage on the Internet]. c2004 [updated no date; cited 2009 Apr 8]. Available from: <http://www.tma.org/tmalive/FrmMain>.
372. SourceWatch. Tobacco Institute [homepage on the Internet]. c2008 [updated 2008 Dec 18; cited 2009 Jan 21]. Available from: http://www.sourcewatch.org/index.php?title=Tobacco_Institute.
373. Quit Victoria. WD & HO Wills Holdings Limited [homepage on the Internet]. c1995 [updated No date; cited 2007 Sep 15]. Available from: <http://www.quit.org.au/quit/fandi/fandi/c14s8.htm>.
374. Western Australian Darts Council. About us [homepage on the Internet]. c2008 [updated 2008 Jul 23; cited 2009 Apr 30]. Available from: <http://www.westdarts.iinet.net.au/About%20Us.html>.
375. State Records Office of Western Australia. Agency detail: Department of Occupational Health, Safety and Welfare [homepage on the Internet]. c2004 [updated 2004 Aug 23; cited 2008 Sep 17]. Available from: http://aeon.sro.wa.gov.au/Investigator/Details/Agency_Detail.asp?Id=51.
376. Greyhounds WA. Greyhound racing [homepage on the Internet]. c2008 [updated no date; cited 2009 Apr 30]. Available from: <http://www.greyhoundswa.com.au/GeneralInfo/GreyhoundRacing/tabid/104/Default.aspx>.
377. Government of Western Australia. Healthway [homepage on the Internet]. c2008 [updated No date; cited 2008 Oct 13]. Available from: <http://www.healthway.wa.gov.au/index.aspx>.
378. Australian Hotels Association Western Australia. Welcome [homepage on the Internet]. no date [updated no date; cited 2009 Jun 11]. Available from: <http://www.ahawa.asn.au/>.



379. Australian Trade Union Archives. Trades & Labor Council of Western Australia (1963 - 2000) [homepage on the Internet]. c2006 [updated 2006 Jun 29; cited 2009 Apr 30]. Available from: <http://www.atua.org.au/biogs/ALE0841b.htm>.
380. CareerOne. Company Profile: Racing & Wagering WA [homepage on the Internet]. c2009 [updated no date; cited 2009 Apr 30]. Available from: <http://www.careerone.com.au/research-companies/racing-wagering-wa>.

Appendix A: Index of Organisations

Table 4. Index of Organisation Names and Roles Mentioned In Text

Note. Health organisations are highlighted.

Name	Description
Action on Smoking and Health	Non-government, non-profit organisation. Aims to reduce tobacco caused disease through education, policy advice and information programs. ³³²
Advertising Federation of Australia	Represents the interests of advertising and marketing communications companies. ³³³
Advertising Standards Council/Bureau	Responsible for administering the Australian system of advertising self-regulation. ³³⁴
Australian Thoracic Society	Professional society of thoracic physicians, scientists and lung disease-related healthcare workers which aims to prevent and cure respiratory disease. ³³⁵
American Tobacco Company	Cigarette manufacturer which was purchased by British American Tobacco in 1994. ³³⁶
Associated Newsagents	Industry organisation representing newsagents and newsagencies. ³³⁷
Association for Research Into Substance Enjoyment/ Associates for Research into the Science of Enjoyment	A group of academics and scientists founded in 1988. Aimed to show how everyday pleasures improve the quality of life. ^{53, 338}
Australian Council on Smoking and Health	Non-government, non-profit organisation. Aims to raise awareness of smoking and health issues. ³³⁹
Australian Medical Association	Represents the registered doctors and medical students of Australia. ³⁴⁰
Australian Publishers Bureau	Association of major Australian newspaper and magazine groups. ³⁴¹
British American Tobacco	The world's most international tobacco company. Based in London, UK. ³⁴²
British American Tobacco Australia	Australian subsidiary company of London-based British American Tobacco.
British American Tobacco Companies	Acronym used in reference to the larger conglomerate of companies BAT own. ³⁴³
British American Tobacco United States	Tobacco holding company in the USA based in Louisville, Kentucky.
Brown & Williamson Tobacco Company	Cigarette manufacturer with British American Tobacco as its parent company. ³³⁶
Burswood International Resort Casino	WA's only casino.
Campbell-Johnson Limited	British public affairs firm contracted by BAT; compiled a "daily synopsis of press, radio and television coverage". ⁴¹
Cancer Council WA (formerly named the Cancer Foundation of WA)	Non-government, non-profit organisation. Advocate and act on cancer issues. ³⁴⁴
Clayton Utz	Australian law firm which consulted for the tobacco industry.



Name	Description
Community Recreation Council of WA	Government department which emphasised physical activity and community education between 1973 and 1979. Later titled the Department of Sport and Recreation. ³⁴⁵
Confederation of Major Participant and Spectator Sports	Tobacco industry front group disguised as a group of Western Australian sporting bodies founded in 1983. ⁹²
Croll Communications Pty Ltd.	Produced media monitoring service titled Croll's Monitoring Australia. ²⁷
Federated Tobacco Workers	A workers union established to protect the pay and conditions of tobacco industry workers. ³⁴⁶
Freedom Organisation for the Right to Enjoy Smoking Tobacco	Smokers' rights group funded by the tobacco industry. ³⁴⁷
Imperial Tobacco	Cigarette manufacturer established a presence in Australia in 1999 to market brands divested from Rothmans Holdings and W.D & H.O Wills Ltd, which had merged to form BATA. ³⁴⁸
Independent Retailers Association	Represents the interests of Australian independent retailers and assists in the protection of small business retailers. ³⁴⁹
Institute for Child Health Research	Multidisciplinary research institute which aims to improve and promote the health and well-being of children. ³⁵⁰
International Committee on Smoking Issues	Established in the 1970s by multinational tobacco companies to address the declining social acceptability of smoking. Renamed INFOTAB in 1981. ¹¹
Infomat	UK-based customised information service founded in 1981 providing daily or weekly media summaries. Contracted with BAT. ²⁵⁷
International Tobacco Information Center	Originally named ICOSI. Set up as a "forum for exchange of views and information on international tobacco issues". ^{11, 12}
Lorillard	US Cigarette manufacturer. ³⁵¹
Lovell White Durrant	International law firm contracted with BAT. Produced media monitoring publications (e.g., 'Tobacco Bulletin'). ³⁵²
Media Monitors Australia	Media intelligence company founded in 1982 as a press clipping service. ³⁵³
National Heart Foundation	Non-government, non-profit organisation. Aims to reduce heart disease through advocacy, research and education. ³⁵⁴
National Health and Medical Research Council	Australian organisation supporting health and medical research. ³⁵⁵
National Manufacturers Association	Advocate a pro-manufacturing agenda by shaping a US legislative and regulatory environment conducive to US economic growth. ³⁵⁶
NJP News Express	Media monitoring service of company Neville Jeffress/Pidler Pty. Ltd. Changed name to Media Monitors Australia. ²³
Outdoor Advertising Association	Lobby group representing Australian outdoor media display companies and production facilities. Changed name to Outdoor Media Association Inc. in 2005. ³⁵⁷
Philip Morris Asia/Pacific	Regional headquarters for PMI located in Hong Kong. ³⁵⁸
Philip Morris (Australia) Limited	Established in 1954 as the first overseas affiliate of PMI. ³⁵⁹ Wholly-owned subsidiary of PM Companies Inc. ³⁶⁰
Philip Morris Companies Inc.	Parent company of Kraft Foods Inc., Philip Morris International Inc. and Philip Morris USA Inc. Changed name to Altria Group Inc. in 2003. ³⁶¹

Name	Description
Philip Morris International	International tobacco company with headquarters in New York. ³⁶¹
Philip Morris Incorporated	Wholly-owned subsidiary of Altria Group. Manufacture and market tobacco products in the US. ³⁶²
Philip Morris Management Corporation	Parent company of PM USA now known as Altria Corporate Services Inc. Based in New York. ³⁶¹
Price Waterhouse	Provides assurance, business advisory and taxation services to public and private clients. Merged with Coopers & Lybrand in 1998 to create PricewaterhouseCoopers. ³⁶³
Rehame Australia Monitoring Services Pty Ltd	Media monitoring service which provided monitoring reports to PML. Acquired by Media Monitors in 2006. ³¹
R.J. Reynolds Tobacco Company	Cigarette manufacturer based in the US. Indirect wholly owned subsidiary of Reynolds American Inc. ³⁶⁴
Rothmans of Pall Mall (Australia) Ltd	A tobacco company in the Rothmans Holdings Limited Group. ³⁶⁵
Roy Morgan Research Centre	Market research and public opinion polling company. ³⁶⁶
Shook, Hardy & Bacon	Law firm based in Kansas City, Missouri contracted by PM. Distributed media and issues summaries. ¹¹
Sports Federation of Victoria	Non-government organisation representing Victoria's sport and active recreation sector. Also known as VicSport. ³⁶⁷
Spring O'Brien	Communications analysis and issue management organisation providing advertising and public relations services. ²¹⁹
Tobacco Advisory Council	A UK tobacco industry trade and lobbying group which operated in a similar manner to the Tobacco Institute in the US and Australia. ³⁶⁸
Tobacco Documentation Center	Succeeded INFOTAB from 1992 as a clearinghouse for tobacco industry information. ³⁶⁹
Tobacco Information Centre Inc	A library of tobacco and smoking-related information established by Rothmans of Pall Mall (Australia) Ltd, WD & HO Wills (Australia) Ltd and PML in December 1996. ³⁷⁰
Tobacco Institute of Australia	Organisation set up to represent joint tobacco industry interests in Australia. ¹¹
Tobacco Merchants Association	A tobacco trade association providing supporting companies with reports of information concerning the global tobacco industry. ³⁷¹
US Tobacco Institute	Trade and lobbying association for the US tobacco industry. ³⁷²
W.D & H.O Wills Ltd.	Australian tobacco company. Subsidiary of Amatil until 1989 when it came under the control of BAT. ³⁷³
Western Australian Darts Council	Governing body for darts in WA. ³⁷⁴
Western Australian Department of Occupational Health, Safety and Welfare	WA government department with the objectives of minimising risks from hazards in the workplace and providing occupational welfare services. Replaced by Worksafe WA in 1996. ³⁷⁵
Western Australian Greyhounds Racing Association	Manages greyhound racing tracks in WA. ³⁷⁶



Name	Description
Western Australian Health Promotion Foundation, Healthway	Established as part of the WA Tobacco Control Act 1990. Provides grants and sponsorship to health and research organisations, sport, arts, racing and community groups to encourage healthy lifestyles and advance health promotion programs. ³⁷⁷
Western Australian Hotels Association	Organisation responsible for representing the interests of the Western Australian hotel and hospitality industry. ³⁷⁸
Western Australian Trades & Labour Council	WA's peak trade union body. Changed name to UnionsWA in 2000. ³⁷⁹
Western Australian Trotting Association	Organisation responsible for racing activities at WA harness racing venues. ³⁸⁰

