



THE TOBACCO INDUSTRY'S ACCOMMODATION PROGRAMMES: A half measure that does not solve the problem of involuntary exposure to secondhand smoke (SHS)

Although it is prohibited in Quebec to smoke in most indoor public and work environments in order to protect the health of non-smokers, workplaces in the hospitality and gaming sectors, such as restaurants, bars and pool-halls, do not offer the same kind of protection for their customers and employees. Indeed, the hospitality and gaming industries have largely been exempt from the smoking prohibitions contained in the Quebec Tobacco Act.

While secondhand smoke (SHS) leads to cancer and other health problems, particularly among exposed workers¹, the tobacco industry favours “mutual understanding” and “courtesy” between smokers and non-smokers as a solution. To this end, tobacco manufacturers have promoted “accommodation programmes” which aim to convince hospitality and gaming venues to “*accommodate the preferences of individuals by offering both smoking and non-smoking areas in the spirit of conviviality and mutual respect.*”²

Unfortunately, these programmes are a “solution” solely for tobacco companies and their profits. By misleading both business people and the public on the well-documented hazards of SHS and by acquiring political allies and support as a result, smoking in public indoor places is still allowed—thereby maintaining both short and long term profitability for the tobacco industry.

1) Smoking bans reduce tobacco industry profits

Privately, tobacco manufacturers have admitted that smoking bans decrease the consumption of tobacco products, diminish the social acceptability of smoking, and, put together, pose a threat to the viability of the industry:

“The primary threat of ETS [Environmental Tobacco Smoke] environmental tobacco smoke is its potential for converting non-smokers into anti-smokers and further undermining the social acceptability of smoking.”³

“What the smoker does to himself maybe his business, but what the smoker does to a non-smoker is quite a different matter... This we see as the most dangerous development to the viability of the tobacco industry that has yet occurred.”⁴

1 **Seigel M, Skeer M.** Exposure to programme smoke and excess lung cancer mortality risk among workers in the “5B’s” : bars, bowling alleys, billiard halls, betting establishments, and bingo parlours. *Tobacco Control* 2003; 12: 333-338.

2 **International Hotel and Restaurant Association (IH-RA).** “What is Courtesy of Choice all about?”. IHA, France. www.ih-ra.com/courtesy (viewed March 10, 2004)

3 **Kannagara A. for Philip Morris.** PM EEMA Region: 1987 ETS Plan. Philip Morris, March 9, 1987. www.pmdocs.com (Bates No. 2501172870/2882)

4 **Roper Organisation for the tobacco industry** A study of public attitudes towards cigarette smoking and the tobacco industry in 1978. Tobacco Institute, Mai, 1978. www.pmdocs.com (Bates No. RECD790406QRH).

2) According to tobacco manufacturers, SHS is a mere nuisance — not a health hazard

In order to protect their interests, tobacco manufacturers in Canada and elsewhere continue to treat secondhand smoke as a matter of discomfort, as a nuisance and as a choice — never as a health risk⁵: “*Smoking in society is about people—not politics*”⁶ and “*I don’t smoke. But if I’m with someone who does, it’s ok. I’ve made my choice. They’ve made theirs. I think we can live with each other*”⁷. By distributing newsletters and using advertising to promote certain messages, cigarette makers have attempted to portray the problem of involuntary exposure to secondhand smoke as a question of courtesy. For example, they use the following slogans:

*“Common courtesy: still in style”*⁸

*“Next time, Just ask Them Politely Not to Smoke”*⁹

*“Peaceful Coexistence”*⁹

The tobacco industry talks about involuntary exposure to a dangerous substance as if it were nothing but a nuisance. For example:

*“Secondhand cigarette smoke bothers many people.”*¹⁰

*“We recognize that ETS can be annoying to non-smokers. We also recognize that, in confined and poorly ventilated areas, ETS can cause substantial irritation of the eyes, nose and throat. We therefore ask all smokers to be aware of and show consideration to people with whom they come into contact. In public places, we support, and engage in, solutions enabling smokers and non-smokers to co-exist - based on the principle of mutual consideration, and on the instruments of adequate ventilation and physical separation.”*¹¹

By minimizing the health problems associated to SHS, tobacco manufacturers open the door to fake solutions such as promoting courtesy, tolerance and better ventilation.

5 **Panamerican Health Organization.** *Profits over People: Tobacco Industry Activities to Market Cigarettes and Undermine Public Health in Latin America and the Caribbean.* World Health Organization, November 2002.

6 **British American Tobacco Company.** *The Year of Tolerance.* Smoking Tolerance Presentation Materials. BAT Co., document du service légal : Santé Canada, 19 May 1999. www.nct.ca/Guildford.nsf (Bates No. 502551240)

7 **Philip Morris.** “I’ve made my choice. They’ve made theirs. We can still live with each other.” PM USA, pamphlet, 1987. www.pmdocs.com (Bates No. 2024271953)

8 **Philip Morris.** *Smoking Issues: a dialogue on personal choice, tolerance, and compromise.* PM USA, pamphlet, 1994. www.pmdocs.com (Bates No. 2501140128/0151)

9 **R.J. Reynolds.** “Peaceful Times”: *The Newsletter of the Peaceful Coexistence Program*, vol 1(1), April 1993. Legacy Collection.(Bates No. 511417675/7676)

10 **Imperial Tobacco.** *Imperial Tobacco Canada’s positions smoking- related issues.* Imperial Tobacco Canada 1998-2004. www.imperialtobaccocanada.com/e/newsroom/stand/index.html (viewed March 15, 2004)

11 **JT International SA.** Corporate Responsibility: programme smoke. www.jti.com/english/corp_responsibility/our_positions/position_second_hand_smoke.aspx (viewed November 2004)

3) According to cigarette makers, ventilation is a solution

Ventilation and air quality standards used in conjunction with Quebec's *Act respecting occupational health and safety*¹² and the *Building Act*¹³ (building code) are borrowed from the world renowned *American Society of Heating, Refrigerating and Air-Conditioning Engineers* (ASHRAE), the main body that provides ventilation standards and criteria. ASHRAE's latest recommendations are very clear as to the limits of ventilation with respect to the health risks due to SHS. "***A recently published addendum to ANSI/ASHRAE Standard 62-2001, Ventilation for Acceptable Indoor Air Quality, contains a non-mandatory appendix that describes a method for ventilating spaces where smoking takes place. Its purpose is to achieve comfort and not to address health effects***".¹⁴ [Our underlines]

Health Canada also maintains that an acceptable level of health risks cannot be achieved through ventilation where SHS is present in a closed environment. « ***There is only one way to eliminate second-hand smoke from indoor air: remove the source.*** »¹⁵

Despite an overwhelming consensus in the scientific community regarding the fact that ventilation cannot adequately reduce the health risks from SHS, tobacco manufacturers persist in promoting "accommodation programmes" which in turn encourage ventilation as a solution. An internal memorandum from the Canadian Tobacco Manufacturers' Council (CTMC) in 1998 illustrates this tactic:

"...approval was given CTMC by member companies [Imperial Tobacco Ltée, JTI-Macdonald Inc, Rothmans, Benson & Hedges Inc.] for funding to develop a "ventilation alternative" to public smoking ban initiatives in Mississauga and Toronto with, hopefully, the prospect of moving this to B.C. as well. For your information, please find attached "Proposal for a Credible and Sustainable Indoor Air Policy: The Ventilation Option" which our allies in the hospitality industry... The proposal was developed by a subcommittee of "Courtesy of Choice" under the direction of Mary Trudelle [of the CTMC] in Toronto with input from the Ontario restaurant Association and the Hotel Association of Canada."¹⁶

The tobacco industry has funded numerous projects in relation to indoor air quality in order to deceitfully promote ventilation as a legitimate alternative to smoking bans in public places.¹⁷

12 **Government of Quebec.** *Act respecting occupational health and safety.* R.S.Q. S-2.1,1.6, r.15, 1999.

13 **Government of Quebec.** *Building Act* (Builder's Code), Code de construction R.S.Q, c. B-1.1, r. 0.01.01, 2002.

14 **ASHRAE.** « Seminar Addresses Comfort ETS », *ASHRAE Insights*, Vol. 19(1), January 2004. www.ashrae.org/template/AssetDetail/assetid/30541

15 **Health Canada.** *The facts: programme smoke.* Healthy Environments and Consumer Safety Branch. Tobacco Control Programme, 2004. www.hc-sc.gc.ca/hecs-sesc/tobacco/facts/health_facts/second_hand.html (viewed February 2004).

16 **Small D. for the tobacco industry.** Memorandum Re: Update on public smoke bans in Halifax, Toronto, Mississauga & BC. Canadian Tobacco Manufacturers' Council (CTMC), July 15, 1998. www.pmdocs.com (Bates No. 2065254948/4951)

17 **Coalition québécoise pour le contrôle du tabac.** L'aération et les systèmes de ventilation : des mesures inefficaces contre la fumée de tabac secondaire (FTS), octobre, 2004. www.cqct.qc.ca

4) Helping out restaurants...

The key to promoting ventilation within the “accommodation/compromise” strategy is the accommodation programme itself. Various versions have been developed, such as: “Options”^{18,19}, “Accomodation”^{20,21}, “Peaceful Coexistence”²², one specifically designed for European bistros: “Fumer ou pas, la courtoisie c’est plus sympa”²³, and the most widespread: “Courtesy of Choice”. The latter is available in 47 countries, including Canada, and has been translated into 17 languages.²⁴



Establishments and venues recruited by industry programmes offering “choices and options” receive paper napkins, coasters, door and window banners, counter and table signs as well as other promotional and marketing items.^{24,25} The first such programmes appeared in the ‘80s, which coincided with the recommendations from the health community to reduce exposure to SHS through smoking bans.²⁶

Since their first appearances, these programmes have been modified and adapted, but their basic concept remain unchanged: they target the hospitality and gaming industry and are designed and funded by the tobacco industry.^{26,27}

18 Philip Morris USA. “Philip Morris USA Launches Options Website”, news release, June 1, 2000. www.philipmorrisusa.com (viewed March 2004)

19 Distinguished Restaurants of North America. “Reduce Second Handsmoke with Option Resources”. *Distinguished Dining Newsletter*, Winter 2002.

20 Philip Morris USA. *The Accomodation Program : achieving customer satisfaction*. Legacy Collection. (Bates No. 2045516766/6774)

21 Goldberg H pour Philip Morris. *International Accomodation Programs*. PM Morris, July 1999. www.pmdocs.com (Bates No. 2078585192/5219)

22 R.J. Reynolds. “Peaceful Times”: *The Newsletter of the Peaceful Coexistence Program*, vol 1(1), April 1993. Legacy Collection. (Bates No. 511417675/ 7676)

23 AURA-HOSPITALITAS. Donnons de l’air à l’HORECA. *Le manuel de la ventilation dans l’HORECA pour les ingénieurs, les architectes, les architectes d’intérieurs et les installateurs*. Belgium, 2001.

24 Irish Hotel Federation. “Courtesy of Choice”. *Innsight Magazine*, Ireland, December 1998.

25 R.J. Reynolds. “Peaceful Times”: *The Newsletter of the Peaceful Coexistence Program*, vol 1(1), April 1993. Legacy Collection. (Bates No. 511417675/ 7676)

26 Dearlove J, Bialous S, Glantz S. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tobacco Control* 2002; 11: 94-104.

27 Small D. for the tobacco industry. Memorandum Re: Update on public smoke bans in Halifax, Toronto, Mississauga & BC. Canadian Tobacco Manufacturers’ Council (CTMC), July 15, 1998. www.pmdocs.com (Bates No. 2065254948/4951)

In Canada, the “**Courtesy of Choice**” programme is managed by the **Hotel Association of Canada (HAC)**, while operation costs are covered by the tobacco industry.^{27,28,29} In June of 2000, the president of the **HAC** admitted during radio interview that the **Canadian Tobacco Manufacturers’ Council (CTMC)** has funded the entirety of the Canadian “**Courtesy of Choice**” programme, at a cost of \$800 000 a year.²⁹

Participating establishments are also provided with public relations tools and strategies to gather support and build public acceptance of the programmes’ underlying philosophy. More specifically, endorsers are encouraged to mobilize in order to prevent the adoption of laws or bylaws that ban smoking.³⁰ Equipped with misleading or false studies regarding ventilation and economic impacts of smoking bans (usually funded or directed by the tobacco industry), participating establishments often become—albeit unintentionally—agents serving the interests of the tobacco industry.³¹ An internal industry document reveals that this is the purpose behind their accommodation-style programmes:

“**MOBILIZATION CONTINUUM - PHASE IV : MOBILIZATION (Ultimate Goal) .**

- **Promote to legislators**
- **Assist hospitality industry coalition development ...**
- **Develop ‘S.W.A.T’ Teams”³²**

5) Courtesy and other voluntary measures: they really mean AVOIDING LAWS AT ALL COSTS!

The notion of courtesy between smokers and non-smokers is a great thing for the tobacco industry: Idealistic agreements on a strictly voluntary basis have very little impact on tobacco use or on the social acceptability of smoking (quite the opposite!). In private, the industry admits:

« **Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11%-15% less than average and quit at a rate that is 84% higher than average.**”³³

“**A more important effect is that on the social acceptability of smoking. Attempts to depict tobacco use as anti-social get a powerful boost when its use is banned in social settings. The impact on our business, whilst slower, is just as real.**”³⁰

Given the stakes, it’s not surprising that tobacco companies use accommodation-style programmes to counter legislative measures that are likely to affect their profits. In 1994, while a debate was raging about smoking bans in Nova Scotia, **Philip Morris USA** wrote to **Rothmans, Benson & Hedges** in Canada:

“**... the Accommodation Program ... could be adapted as a tool to assist in promoting rational alternatives to smoking bans.**”³⁴

28 **Canadian Tobacco Manufacturers’ Council (CTMC), 2000.** Rob Parker on behalf of the CTMC address to the Saskatchewan Legislative Committee, in *Public Hearing on proposed amendments to Part IV of the Occupational Health & Safety Regulation, Workers’ Compensation Act 7 of British Columbia*, June 2000.

29 **Canada Broadcasting Corporation.** CBC-Radio Early Edition-BC. “Courtesy of Choice’s focus? Fighting smoking bans.” June, 14, 2000.

30 **Goldberg H. for Philip Morris.** *International Accommodation Programs.* Analysis for PM Morris, July 1999. www.pmdocs.com (Bates No.2078585192/5219)

31 **Scollo M, Lal A, Hyland A, Glantz S.** Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tobacco Control* 2003; 12: 13-20.

32 **Philip Morris USA.** *The Accommodation Program : achieving customer satisfaction.* Legacy Collection. (Bates No. 2045516766/6774)

33 **Heironimus J. for Philip Morris.** Impact of workplace restrictions on consumptions and incidence. Philip Morris, January 22, 1992. www.pmdocs.com (Bates No. 2022882239/2243).

34 **Goodheart J. pour Philip Morris.** “Nova Scotia Restaurant Association”. Philip Morris USA, September 9, 1994. www.pmdocs.com (Bates No. 2065518415)

6) Accommodation programmes serving the interests of the tobacco industry

Investments in accommodation programmes have been very rewarding for the tobacco manufacturers. Indeed, designated smoking and non-smoking areas within one enclosed area are quite standard in many jurisdictions, including Quebec. Since both smokers and non-smokers breathe the same air, both groups breathe in at least 40 known carcinogens found in SHS.³⁵ The arbitrary designation of a separate smoking area is the equivalent of designating a “pee” corner in a swimming pool ...

Finally, the existence of separately designated smoking rooms (a solution that is suggested in latest publications of “**Courtesy of Choice**”) offers little protection for workers that service or clean these smoking rooms. Furthermore, smoking rooms leisure establishments promote the social acceptability of smoking.

7) Future considerations

Misinformation propagated through the industry’s accommodation programmes (inaccurate economic impacts on the hospitality industry³⁶ and incorrect data on the health hazards of SHS) dilute the facts and attempt to justify scientifically unsupported solutions. Through this strategy, tobacco companies hope to sow the seeds of controversy regarding the real dangers of SHS, to marginalize the majority’s point of view (most people don’t smoke and would rather not breathe SHS), and to promote “friendly” and inefficient measures—all in the hopes of avoiding legislative measures that would offer real and complete protection from SHS.

Should a public debate emerge in Quebec as to the need for more comprehensive legislation to prevent exposure to SHS, one should not be surprised to see an intensification of the promotion of these programmes and the “solutions” they recommend.³⁷

35 **Health Canada**. *The facts:What is secondhand smoke*. Healthy Environments and Consumer Safety Branch. Tobacco Control Programme, 2004. www.hc-sc.gc.ca/hecs-sesc/tobacco/facts/health_facts/second_hand.html (viewed February 2004).

36 **Hyland A, Puli V, Cummings M, Sciandra R**. *New York’s Smoke-free Regulations: Effects on Employment and Sales in the hospitality Industry*. Cornell Hotel and Restaurant Administration Quarterly, Cornell University Press, June 2003.

37 **Morley C, Cummings K, Hyland A**. Tobacco Institute lobbying at the state and local levels of government in the 1990s. *Tobacco Control* 2002; 11(Suppl 1):i102-i109