EDITORIAL / ÉDITORIAL

Back to Basics in the Fight Against Tobacco

Heidi Rathjen, BEng, LL.D, Drhc

Years of work by health organizations culminated with the passage of Bill C-71 on April 16th by the Senate of Canada. The legislation, championed by then Health Minister David Dingwall, severely restricts direct tobacco advertising, moderately restricts tobacco sponsorship and empowers the government to regulate tobacco in various other ways, including the control of nicotine levels in cigarettes.

However, the victory was short-lived in light of an immediate promise for further concessions for tobacco-funded events by the Prime Minister, through the regulatory vacuum that translates many sections of the law into de facto “voluntary codes”, and in light of the instantaneous court challenge by the industry. Clearly, the battle for federal tobacco controls continues.

The health community was virtually unanimous in perceiving the legislation as a substantial compromise, and much of its support rested on the potential rather than the actual health benefits of the Bill.

David Dingwall and Allan Rock

Notwithstanding the Bill’s flaws, Mr. Dingwall is to be commended for his solid resilience in the face of the fierce, sometimes acerbic, opposition generated by the cigarette makers. In politics, as in the public debate, tobacco is less about health and more about public perception and political influence, both of which can be bought with enough money.

With good cause, high hopes now rest on the shoulders of the new Health Minister, Allan Rock. This former Justice Minister has already demonstrated integrity and resolve in his handling of gun control. Although the gun lobby’s resources and political savvy do not compare with those of the tobacco industry, Mr. Rock stood firm in the face of angry gun owners, occasionally vicious media, and many hostile colleagues, to deliver what health and safety experts lauded as complete and effective gun control legislation. The departure of Mr. Dingwall may represent the loss of a powerful ally for the health community, but there is hope that the appointment of Mr. Rock will bring renewed vigour to the federal fight against tobacco.

Industry Sponsorship

The strength of the tobacco industry is well known, but its show of force during the C-71 battle took many by surprise. Tobacco manufacturers managed to mobilize an impressive variety of groups and personalities to fight on their behalf. The Alliance for Sponsorship Freedom, in particular, dominated the public debates, in effect eclipsing the issue of the product and its victims. Not only did it convince most of the media, citizens and politicians that the Bill would bring about the cancellation of the country’s most popular festivals and sporting events, but it managed to characterize tobacco opponents as single-minded “health Nazis” (in Quebec, “Ayatollahs de la santé”) who were prepared to do anything to impose their views.

The Alliance is, of course, financed by advertising industry associations, retail stores and boards of trade in predicting massive job losses, curtailed freedom of expression and excessive government intrusion. Through their collaboration and the media’s daily one-sided reports on their concerns, the industry successfully hijacked the debate about health issues, turning it into a debate about economics, morals and individual freedoms. Particularly in Quebec, the anti-smoking measures were portrayed as excessive state interference, a step on the slippery slope toward “banning coffee and butter”.

The Need to Legislate

Yet basic common sense, largely disregarded in this debate, recognizes that in any democratic society the government must protect the population from major health risks — so much so that we take it for granted.

For instance, the federal Food and Drug Act ensures the safety of food and drugs, coffee and butter included. The Hazardous Products Act covers all other goods that entail a risk of some sort (such as toys, electronic equipment and hockey helmets). In Quebec, the Code national du bâtiment, the Règlement sur la qualité du milieu de travail and the Code de la sécurité routière establish the safety rules that permeate our daily environment.

Yet far from being the object of excessive regulation, tobacco is the one outstanding exception to all of these rules. If the legislation is to be consistent, then there is a definite need for much stronger measures than those provided by Bill C-71.

As the battle moves to the regulatory and implementation level, tobacco control proponents need to strengthen their efforts on two levels.

Campaign Director
Quebec Coalition for Tobacco Control
Montreal
Back to Basics

First, all public and political interventions must include a "back to the basics" component. Members of the health community must recognize that even if they are saturated with information on the enormous dangers of smoking, such awareness is obstructed in the general population by the omnipresence of tobacco advertisements and promotion, and by the social acceptance with which it is greeted in many regions (such as Quebec).

Amid the wide variety of non-health-centred debates surrounding the legislation, it is essential that the basic relevant facts be firmly re-emphasized: tobacco kills over 40,000 Canadians every year; tobacco kills more people than alcohol, automobile accidents, AIDS, suicides, homicide and other drugs combined; tobacco is the number one preventable cause of death in our society; tobacco is the only legal product that causes addiction, disease and death when used exactly according to the manufacturer’s intentions; there is no safe level of tobacco consumption; second-hand tobacco smoke can kill non-smokers; and finally, tobacco serves no useful purpose.

The tobacco industry has no effective arguments to counter these facts and always tries to avoid discussing them. Unfortunately, the lack of novelty also makes the arguments uninteresting to the media. Special efforts must therefore be made to insist that these facts be brought to light during every public debate and every encounter with politicians, many of whom are ill-informed on the severity of the issue.

Fighting on the Industry’s Turf

On the second level, the tobacco industry is too powerful on its preferred battlefields for these to be ignored by the health community. Not only must we attack the credibility of the industry and its allies, we must also confront their economic, legal and personal freedom arguments. In fact, the health side comes out ahead on every single one of these fronts:

- On the economic front: Although the tobacco legislation is concerned with health and not financial matters, measures that reduce or prevent tobacco consumption nevertheless have an overall positive impact. According to the World Bank, "tobacco is, globally, a net economic disaster." The health care costs from tobacco alone are much higher than the revenues generated by taxes on cigarettes. Contrary to popular belief, cigarette consumption actually reduces employment because of the high level of automation in the tobacco industry and the low "product versus taxes" value of cigarettes as compared with other products that smokers would spend their capital on and that yield higher economic activity (Pierre Fortin, economics professor: Université de Québec, Montréal, 1996).
- On the freedom of choice front: In spite of the industry’s claim that informed adults should be allowed to smoke if they choose, the reality is that up to 90% of smokers start while in their teens. Moreover, the freedom to choose means very little to smokers addicted to nicotine who cannot quit.
- On the legal front: In Canada, freedom of expression is not absolute and can be subject to “reasonable limits” that can be justified in a free and democratic society. When the Supreme Court ruled that cigarette adverts could not be banned outright without sufficient justification, it nevertheless confirmed the government’s duty to restrict tobacco advertising for public health reasons.
- On the cultural front: The industry-funded public relations exercises have created the public perception that tobacco sponsorships bring in more revenues than they actually do. In reality, about 40% of the sponsored events get less than 1% of their revenues from cigarette manufacturers, and 50% get 1 to 9%. Accordingly, the outright abolition of tobacco sponsorships will not be a death warrant for the majority of events.

All of these arguments mean that health advocates must enlist the participation of experts and groups in other sectors. Such support exists: in Quebec, which is the traditional stronghold of the Canadian tobacco industry, over 650 community organizations (including cultural groups) have endorsed the position of the Quebec Coalition for Tobacco Control. Their support and involvement will be crucial when the Quebec Health Minister, Dr. Jean Rochon, tables his much anticipated and possibly precedent-setting provincial legislation, most likely this fall.

In the meantime, despite the well-known health hazards of smoking, young people are still picking up the habit, and addiction still ensures that they will keep at it for a long time. Tar and nicotine are not the main culprits of this epidemic, and the cure will not be found in medical laboratories or more public education. Tobacco is a social problem fueled by political reluctance to diminish the allure, availability, and addictive nature of cigarettes with gradual but unequivocal legislation.

REFERENCES/BIBLIOGRAPHIE

2. Section 1, Canadian Charter of Rights and Freedoms. From the Constitution Act 1982.