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Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization

Committee of Experts on Tobacco Industry Documents
World Health Organization

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Abstract

Evidence from tobacco industry documents reveals that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of the World Health Organization (WHO) to control tobacco use. The attempted subversion has been elaborate, well financed, sophisticated, and usually invisible.

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at the

World Health Organization

Report of the Committee of Experts on Tobacco Industry Documents

July 2000

This report contains the collective views of an international committee of experts of the World Health Organization. Members of such committees serve without remuneration and in their expert capacities rather than as representatives of governments or other bodies. The committee was convened by the Director-General to provide advice to her on the subject matter of the investigation. As such, it does not necessarily represent the decisions or the stated policy of the World Health Organization.

FOREWORD

Evidence from tobacco industry documents reveals that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of the World Health Organization (WHO) to control tobacco use. The attempted subversion has been elaborate, well financed, sophisticated, and usually invisible.

The release of millions of pages of confidential tobacco company documents as a result of lawsuits against the tobacco industry in the United States has exposed the activities of tobacco companies in resisting tobacco control efforts. That tobacco companies resist proposals for tobacco control comes as no surprise. What is now clear is the scale and intensity of their often-deceptive strategies and tactics.

The tobacco companies' own documents show that they viewed WHO, an international public health agency, as one of their foremost enemies. The documents show further that the tobacco companies instigated global strategies to discredit and impede WHO's ability to carry out its mission. The tobacco companies' campaign against WHO was rarely directed at the merits of the public health issues raised by tobacco use. Instead, the documents show that tobacco companies sought to divert attention from the public health issues, to reduce budgets for the scientific and policy activities carried out by WHO, to pit other UN agencies against WHO, to convince developing countries that WHO's tobacco control program was a "First World" agenda carried out at the expense of the developing world, to distort the results of important scientific studies on tobacco, and to discredit WHO as an institution.

Although these strategies and tactics were frequently devised at the highest levels of tobacco companies, the role of tobacco industry officials in carrying out these strategies was often concealed. In their campaign against WHO, the documents show that tobacco companies hid behind a variety of ostensibly independent quasi-academic, public policy, and business organizations whose tobacco industry funding was not disclosed. The documents also show that tobacco company strategies to undermine WHO relied heavily on international and scientific experts with hidden financial ties to the industry. Perhaps most disturbing, the documents show that tobacco companies quietly influenced other UN agencies and representatives of developing countries to resist WHO's tobacco control initiatives.

That top executives of tobacco companies sat together to design and set in motion elaborate strategies to subvert a public health organization is unacceptable and must be condemned. The committee of experts believes that the tobacco companies' activities slowed and undermined effective tobacco control programs around the world. Given the magnitude of the devastation wrought by tobacco use, the committee of experts is convinced that, on the basis of the volume of attempted and successful acts of subversion identified in its limited search, it is reasonable to believe that the tobacco companies' subversion of WHO's tobacco control activities has resulted in significant harm. Although the number of lives damaged or lost as a result of the tobacco companies' subversion of WHO may never be quantified, the importance of condemning the tobacco companies' conduct, and taking appropriate corrective action, is overriding.

The committee of experts urges WHO and member countries to take a strong position against the tobacco companies' conduct as described in this report. This report contains a number of recommendations aimed at protecting against the strategies employed by tobacco companies. Among the most important of these recommendations are that: (1) member countries carry out similar investigations into tobacco company influence on those countries' tobacco control efforts, (2) WHO monitor the future conduct of the tobacco industry to determine whether the strategies identified in this report are continuing, and (3) WHO assist member countries to determine what steps are appropriate to remedy tobacco companies' past misconduct.

Some tobacco companies in the US have made public claims that they have reformed their behavior and therefore need not be penalized for past misconduct. Such promises, even if true, must not be limited to the industry's conduct in a single country. It is not enough for tobacco companies to now begin acting "responsibly" in the US, if they continue to use unacceptable strategies and tactics in the rest of the world. If the strategies and tactics identified in this report continue to be used internationally by tobacco companies, WHO must bring this behavior into the world's view. Member countries must also carefully assess the impact of past influence of tobacco companies on the health and welfare of their citizens and consider appropriate actions both to correct past misconduct and to deter future abuses.

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EXECUTIVE SUMMARY

A. Introduction

In the summer of 1999, an internal report to the Director-General of the World Health Organization (WHO) suggested that there was evidence in formerly confidential tobacco company documents that tobacco companies had made "efforts to prevent implementation of healthy public policy and efforts to reduce funding of tobacco control within UN organizations." In response to this report, Director-General Gro Harlem Brundtland assembled a committee of experts to research the once confidential, now publicly available, tobacco company documents.

The documents reveal that tobacco companies viewed WHO as one of their leading enemies, and that they saw themselves in a battle against WHO. According to one major company's master plan to fight threats to the industry, "WHO's impact and influence is indisputable," and the company must "contain, neutralize, [and] reorient"[1] WHO's tobacco control initiatives. The documents show that tobacco companies fought WHO's tobacco control agenda by, among other things, staging events to divert attention from the public health issues raised by tobacco use, attempting to reduce budgets for the scientific and policy activities carried out by WHO, pitting other UN agencies against WHO, seeking to convince developing countries that WHO's tobacco control program was a "First World" agenda carried out at the expense of the developing world, distorting the results of important scientific studies on tobacco, and discrediting WHO as an institution.

Tobacco company strategy documents reveal the companies' goals and tactics:

"Attack W.H.O."[2]

"[U]ndertake a long-term initiative to counteract the WHO's aggressive global anti-smoking campaign and to introduce a public debate with respect to a redefinition of the WHO's mandate."[3]

"[B]lunt [WHO's] programme initiatives."[4]

"[Try] to stop the development towards a Third World commitment against tobacco."[5]

"[A]llocate the resources to stop [WHO] in their tracks."[6]

"Discredit key individuals."[7]

"[Contain WHO's] funding from private sources."[8]

"Work with journalists to question WHO priorities, budget, role in social engineering, etc."[9]

"[Reorient]/reprioritiz[e] IARC [International Agency for Research on Cancer] priorities/budget allocations."[10]

"[Try] to change the very nature and tone of the [WHO-sponsored] conference."[11]

"[Establish] ITGA [International Tobacco Growers Association] [as a] front for our third world lobby activities at WHO."[12]

"[P]ersuade PAHO [Pan American Health Organization] to take tobacco off their list of priorities for this year."[13]

"[I]nhibit incorporation of ILO [UN's International Labor Organization] into WHO Anti-Smoking Program."[14]

"Split F.A.O. [U.N. Food and Agriculture Organization]/W.H.O."[15]

This report serves as the final product of the committee of experts' research, to be submitted to the Director-General for review.

B. Methodology

The investigation focused on the collection and review of tobacco company documents made publicly available as a result of US lawsuits against the tobacco industry. The available documents come from Philip Morris Companies, Inc. (Philip Morris), R.J. Reynolds Tobacco Company (RJR), Brown & Williamson Tobacco Company (B&W), American Tobacco Company (ATC), Lorillard Tobacco Company (Lorillard), the Tobacco Institute (TI), the Council for Tobacco Research (CTR) and the British American Tobacco Company (BAT). Unless specifically noted otherwise, where the report refers to "tobacco companies," it is a reference to two or more of these companies. The phrase "tobacco companies" is not intended to refer to any other companies not listed here.

In addition, a limited number of individuals were interviewed, following consultation with the Director-General. The information provided by these individuals served to clarify information already found in the tobacco company documents.

C. Strategies and Tactics Used by Tobacco Companies to Influence WHO Tobacco Control

The tobacco company documents reviewed by the committee of experts reveal that tobacco companies have focused significant resources on undermining WHO tobacco control activities and have used a wide range of tactics to achieve their goal. Evidence before the committee of experts suggests that some of these strategies were successful in influencing WHO activities, while others were not. In some cases, the committee of experts was not able to determine the success of certain strategies based on available information. In several cases, where the committee of experts found an incident or strategy described in the documents to be particularly suggestive of successful influence or illustrative of tobacco company strategies and tactics, the committee of experts included in the report a longer case study of the incident or strategy. (See Chapters IV-IX.)

- **Establishing inappropriate relationships with WHO staff to influence policy**

In one of their most significant strategies for influencing WHO's tobacco control activities, tobacco companies developed and maintained relationships with current or former WHO staff, consultants and advisors. In some cases, tobacco companies hired or offered future employment to former WHO or UN officials in order to indirectly gain valuable contacts within these organizations that might assist in its goal of influencing WHO activities. Of greatest concern, tobacco companies have, in some cases, had their own consultants in positions at WHO, paying them to serve the goals of tobacco companies while working for WHO. Some of these cases raise serious questions about whether the integrity of WHO decision making has been compromised. All of them illustrate the need for rules requiring that current and prospective WHO employees, including consultants, advisors, and members of expert committees, disclose any ties to the tobacco industry.

- **Wielding financial power to influence WHO policy**

In several cases, tobacco companies have attempted to undermine WHO tobacco control activities by putting pressure on relevant WHO budgets. Tobacco companies have also used their resources to gain favor or particular outcomes by making well-placed contributions.

- **Using other UN agencies to influence or resist WHO tobacco control**

The committee of experts' research reveals that tobacco companies attempted to use other UN agencies to acquire information about WHO's tobacco control activities and to interfere with or resist WHO's tobacco related policies. Most of the tobacco companies' efforts appear to have focused on the Food and Agricultural Organization (FAO), but the documents also reveal that tobacco companies targeted other UN agencies, including the World Bank, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Economic and Social Council (ECOSOC) and the International Labor Organization (ILO), either directly or through surrogates. Tobacco company lobbying was aimed at influencing the FAO to take a stance against WHO's tobacco control policies and to promote the economic importance of tobacco as more significant than the health consequences of tobacco use.

- **Discrediting WHO or WHO officials to undermine WHO's effectiveness**

Tobacco companies used "independent" individuals and institutions to attack WHO's competence and priorities in published articles, and presentations to the media and to politicians, while concealing its own role in promoting these attacks.

- **Influencing WHO decision making through surrogates**

Documents in this study illustrate that tobacco companies utilized a number of outside organizations to lobby against and influence tobacco control activities at WHO including trade unions, tobacco company-created front groups and tobacco companies' own affiliated food companies.

Additionally, delegates of member states from developing countries were lobbied by tobacco companies. The documents indicate that tobacco companies believe that as a result, an increasing number of delegates from these countries have resisted WHO tobacco control resolutions.

- **Distorting WHO research**

Tobacco company strategies and tactics included manipulating the scientific and public debate about the health effects of tobacco. Tobacco companies secretly funded "independent" experts to conduct research, publish papers, appear at conferences and lobby WHO's scientific investigators with the intention of influencing, discrediting or distorting study results. Their own agenda was promoted through tobacco company-funded symposia, counter-research and scientific coalitions developed specifically to criticize studies used to support anti-tobacco legislation. The most notable result of this tobacco company strategy is the misrepresentation of the 1998 study on environmental tobacco smoke (ETS) by the International Agency for Research on Cancer (IARC). The tobacco company distortion of these study results continues today to shape public opinion and policies surrounding the health effects of ETS.

- **Media events**

The documents show that tobacco companies staged media events to distract attention from tobacco-related WHO events such as the World Conference on Tobacco OR Health.

- **Surveillance of WHO activities**

Finally, the documents show that tobacco companies have carried out intensive monitoring of WHO and its Regional Offices to gather intelligence about its tobacco control programs. In some cases, tobacco companies have secretly monitored WHO meetings and conferences, had confidential WHO contacts, and obtained confidential documents and information.

D. Case Studies

The following case studies offer specific examples of many of tobacco company strategies discussed in this chapter. These case studies show that:

- One tobacco company targeted WHO as part of a massive and far-reaching campaign to subvert tobacco control activities around the world.

- Tobacco companies have conducted an ongoing, global campaign to convince developing and tobacco-producing countries to resist WHO tobacco control policies.

- One tobacco company consultant attacked WHO in the media and in presentations to regulatory authorities, without revealing his ties to tobacco companies. This consultant was also named to a WHO committee where he attempted to use a WHO Regional Office in tobacco company plans to distract attention from a WHO-sponsored conference.

- Tobacco companies attempted to stage elaborate diversions from, and disruptions of, a WHO-sponsored conference on tobacco.

- Tobacco companies secretly funded a temporary adviser to a WHO committee, raising questions about whether WHO's international standard-setting activities related to pesticide safety were affected.

- Tobacco companies carried out a multi-million dollar campaign to halt or influence the results of an important IARC study on the relationship between passive smoking and lung cancer, relying on consultants to conceal their role.

Some of these cases raise serious concerns about whether the integrity of WHO decision making has been compromised. Each case study includes specific recommendations for WHO to consider in preventing future tobacco company influence.

1. The Boca Raton Action Plan

In November 1988, under the direction of Geoffrey Bible, then President of Philip Morris International (now Chief Executive Officer of Philip Morris Companies Inc.), top executives from Philip Morris' regional offices and its New York headquarters convened in Boca Raton, Florida, to plan for the succeeding year. The resulting Action Plan - one of the publicly available tobacco company documents - is a master plan for, among many goals, attacking WHO's tobacco control programs, influencing the priorities of WHO Regional Offices, and targeting the structure, management and resources of WHO. The Plan identified 26 global threats to the tobacco industry and multiple strategies for countering each. First among these threats was the World Health

Organization's tobacco control program, addressed under the heading, "WHO/UICC/IOCU Redirection/containment strategies."

- **Tobacco company surrogates to "redirect WHO"**

Tobacco company documents reveal that in order to "redirect" WHO, Philip Morris used its powerful food companies and other non-tobacco subsidiaries, as well as tobacco industry organizations, business organizations, and front groups and other ostensibly independent surrogates. These organizations were used to influence WHO directly and indirectly through the press, national governments and international organizations.

- **Creation and use of ostensibly independent organizations to gain access to WHO**

Much of the Boca Raton Action Plan involved the creation or manipulation of seemingly independent organizations with strong tobacco company ties. The documents show that some of these organizations such as LIBERTAD, the New York Society for International Affairs, the America-European Community Association and the Institute for International Health and Development, were used successfully to gain access to dozens of national and world leaders, health ministers, WHO and other United Nations agency delegates.

- **Mobilization of INFOTAB and CORESTA against WHO**

Another key element of the Boca Raton plan was Philip Morris' decision to transform the industry organizations INFOTAB (International Tobacco Information Center) and CORESTA (Cooperation Centre for Scientific Research Relative to Tobacco) into political instruments and to mobilize them to lobby against WHO health advocacy programs. The documents also illustrate that Philip Morris used its regional offices and non-tobacco subsidiaries to press business groups like the International Chamber of Commerce (ICC) to lobby the World Health Assembly (WHA), WHO's governing body, and ILO. Additionally, Philip Morris attempted to use FAO, ILO, and other United Nations agencies, WHO Regional Offices and Coordinating Centers, and the governments of developing countries to influence WHO tobacco policies and WHA resolutions.

- **Boca Raton status reports**

Details of the Plan's implementation were outlined in status reports prepared every two months from January 31, 1989 through September 30, 1989. A final summary followed on October 30th, 1989. Under each of the 26 issues addressed in the Plan was a list of accomplishments for each. The reports refer to numerous detailed appendices, which were originally attached to the reports, but which are rarely included in the electronic versions of the reports available at the Minnesota Document Depository or posted on Philip Morris' document website. With considerable effort, the committee of experts was able to locate many of the attachments but several crucial documents could not be located. Other tobacco company documents were used to fill in these gaps when possible.

The Boca Raton Action Plan appears to have lasted for one year. It is unclear whether similar master plans were adopted in subsequent years, as the committee of experts was unable to locate any such plans in the public documents. There is, however, evidence that elements of the Plan continued well into the 1990s. The Plan itself provides

insight into the magnitude and sophistication of the ongoing opposition to WHO's work.

The impact of the Boca Raton Action Plan must be judged within the context of its entire set of goals and strategies. The Plan was remarkable in its scope, encompassing 26 wide-ranging and ambitious goals, to which Philip Morris dedicated its top executives, scientists, attorneys and consultants. It was organized internationally, coordinating all of the company's regional offices and using both tobacco industry organizations and front groups to accomplish an impressive list of achievements.

As one of the world's largest multinational corporations, Philip Morris had the advantage of an international structure which is, in many ways, parallel to that of WHO, with regional offices in several of the same countries or areas of the world, including Philip Morris' research and development center in Neuchatel, Switzerland, near WHO headquarters. These local offices allowed Philip Morris personnel to develop relationships with WHO and UN contacts, especially in Geneva. Through at least one of these contacts, Philip Morris was able to aid in the adoption of a pro-tobacco amendment to a WHA smoking and health resolution, as described in Chapter V.

Philip Morris' business interests and ties to other tobacco companies enabled it to use organizations such as the International Chamber of Commerce (ICC) and the International Tobacco Growers Association (ITGA) to influence international agencies that, in turn, have influence on WHO. Through surrogates, Philip Morris was able to meet with numerous senior officials of both national governments and international organizations, including current and former Director Generals of the ILO and FAO.

Perhaps more significant than any specific policy achievement of the Boca Raton Action Plan, however, was its erection of elaborate and well-concealed mechanisms for sustained opposition to WHO. Today, a decade after these mechanisms were set in place, it is likely that they will soon be mobilized for action against WHO's Tobacco Free Initiative and the proposed Framework Convention on Tobacco Control. If these predictions are correct, the Boca Raton Plan may offer more than insight into the past: it may offer a preview of what lies ahead.

2. The "Third World Issue"

As the 1970s drew to a close, tobacco industry officials worried that WHO and the anti-tobacco movement would use criticism of tobacco industry activities in the developing world to fuel a global campaign against smoking. Quickly, tobacco companies launched a massive campaign to win developing countries' attention and assistance within the UN. Tobacco company lobbyists attempted to foster the concerns of officials from developing countries, as well as economically oriented UN agencies, about the economic importance of tobacco to these countries. Tobacco company representatives attempted to convince developing countries that the loss of tobacco as a cash crop would result in economic destabilization in tobacco-growing countries, significantly increasing the burden of poverty and malnutrition in tobacco-growing countries. According to tobacco company documents, the companies fostered the view that tobacco control was a "First World" concern and that the damage to health in the Third World from tobacco control activities might exceed the toll from tobacco use itself.

When tobacco industry officials first became aware of international criticism of

its activities in developing countries, they perceived a serious threat to long-term profitability. At a tobacco company conference in July 1980, a workshop taught participants that "third world issues can't be 'left for tomorrow to deal with' since they affect the very basis of raw material supply."[16] An anti-tobacco effort by developing countries might limit tobacco growing in such countries as Brazil, Zimbabwe, and Malawi. Even more worrisome was the possibility that the countries of the United Nations might find common purpose in attacking tobacco companies, creating a universally appealing enemy.

Faced with such a threat, industry officials recognized the need to develop a developing country strategy of its own. An industry consultant proposed the following goals:

> "We must try to stop the development towards a Third World commitment against tobacco.
>
> We must try to get all or at least a substantial part of Third World countries committed to our cause.
>
> We must try to influence official FAO and UNCTAD [United Nations Conference on Trade and Development] policy to take a pro tobacco stand.
>
> We must try to mitigate the impact of WHO by pushing them [sic] into a more objective and neutral position."[17] [Emphasis in original.]

Throughout the 1980s and well into the 1990s, tobacco companies sought to mobilize officials from developing countries to advance a pro-tobacco agenda on the world stage. The goal was for representatives from UN member states in the developing world – and not tobacco companies themselves – to make tobacco's case within the FAO, WHO and other UN bodies. This developing country strategy was coordinated by an international consortium of tobacco industry officials that was first called ICOSI (International Council on Smoking Issues) and later re-named INFOTAB. Individual companies, most notably Philip Morris and British American Tobacco Company, also made important contributions.

Although the documents reveal only a part of the tobacco companies' activities, their strategy involved research, concerted lobbying of diplomats from developing countries, and extensive public relations. Industry representatives contacted government officials and UN delegates from around the world. At meetings that followed a common pattern, tobacco company officials would provide presentations on the economic importance of tobacco to developing countries, providing research on such topics as the "social and economic benefit" of tobacco and the lack of sustainable alternatives. Tobacco company lobbyists also tried to build resentment against the developed world, stressing that tobacco-related illnesses were a concern of rich countries, and that the developed countries were unconcerned about the economic realities or real health issues of the developing world.

In this campaign, tobacco companies made prominent use of the International Tobacco Growers' Association (ITGA). ITGA claims to represent the interests of local farmers. The documents indicate, however, that tobacco companies have funded the organization and directed its work. Through their persistent outreach to officials from developing countries, tobacco companies gradually built a base of support within UN agencies and structures, most

notably the WHA and the FAO. Tobacco companies then worked to turn this support into action. Through contacts and influence with numerous officials from developing countries, the tobacco companies aimed to promote their agenda within multiple UN agencies and structures.

- **Food and Agriculture Organization**

Because FAO's agricultural activities supported tobacco growing for many years, by the late 1970s and early 1980s, tobacco companies considered FAO a "natural ally"[18] and a "pressure point for dealing with WHO."[19] In the 1980s and 1990s, by appealing to delegates from developing countries, tobacco companies sought to keep FAO's support and use the agency to make the case for the economic importance of tobacco within the United Nations. As a result of lobbying FAO delegates from developing countries, as well as FAO's Permanent Representatives, industry officials believed they were successful in gaining FAO's support at the UN in resisting tobacco control efforts by WHO. During this period the FAO issued several reports and statements that industry representatives used to support their position on the economic importance of tobacco for developing countries.

- **World Health Assembly**

Documents demonstrate that tobacco companies sought to influence the outcome of several WHA sessions. Tobacco company representatives lobbied delegates from developing countries to propose amendments and resolutions aimed at limiting the scope of the WHO tobacco control program. The case study focuses on the 39th, 41st, and 45th World Health Assemblies, held in 1986, 1988, and 1992, respectively. These sessions were characterized by a massive tobacco company lobbying effort to get delegates from developing countries to oppose new tobacco control resolutions. In 1992, tobacco companies celebrated the adoption at WHA of a resolution – dubbed the "Malawi Resolution" – that led to the creation of a so-called UN "focal point" for tobacco issues in the UN Economic and Social Council (ECOSOC). Industry representatives viewed this event as a victory that would open new doors at the UN to tobacco company arguments about the economic importance of tobacco.

- **UN Economic and Social Council**

The "focal point" was directed to coordinate a UN collaboration on tobacco issues, including several UN agencies that would be more receptive to tobacco companies' economic arguments. Taking advantage of this opportunity, tobacco companies continued the successful pattern that they had long used as part of their developing country strategy. Industry representatives lobbied government officials, UN delegates, and UN officials about the economic importance of tobacco. Although the focal point in ECOSOC was closed down before producing any notable achievements, industry officials believed that they were successful in their attempts to get FAO, once again, to take a pro-tobacco position with ECOSOC.

Tobacco companies' developing country strategy involved extensive outreach to government officials and UN delegates of these countries. By pressing the economic importance of tobacco and stirring resentment against the developed world, industry officials believed that they had influenced delegates to alter WHO and FAO policy on tobacco. Rather than face world condemnation for its actions in developing countries, the tobacco industry benefited

from these countries' representation of tobacco's interests at the international level.

By the mid-1990s, tobacco company documents show that industry representatives believed their developing country strategy had successfully led the FAO to release pro-industry reports on the economic importance of tobacco, had inspired delegates from developing countries to make pro-tobacco objections, amendments and resolutions at the WHA, and had countered anti-tobacco efforts at the UN "focal point" on tobacco.

The publicly available tobacco company documents, which largely end in the mid-1990s, do not reveal what further activities industry representatives pursued to resist tobacco control efforts through their developing world allies. However, all indications are that the developing country strategy is still active and may play a role in the tobacco company campaign against the Framework Convention on Tobacco Control.

Several recommendations follow this case study. Among them are suggestions that other UN agencies and national governments examine influence by the tobacco industry on their decisions and programs, and that WHO raise for consideration at the WHA some form of disclosure of tobacco industry affiliations by delegates. The committee of experts also included a recommendation that WHO learn to counter tobacco company lobbying in developing countries, while at the same time seeking to address the legitimate economic concerns of those states about the loss of tobacco as a cash crop.

3. An "Independent" Critic of WHO

A key part of tobacco companies' strategy to undermine tobacco control activities at WHO in the 1980s and 1990s was to redefine the mandate of WHO, or at least redirect its priorities away from tobacco. To this end, tobacco companies used "independent" academic institutions, consultants, and journalists to undermine the organization's credibility, to question its "mission and mandate," and to divert its priorities from tobacco control to other health needs. These individuals and institutions were, in fact, secretly paid by tobacco companies to promote pro-tobacco or anti-WHO opinions.

Many tobacco company documents suggest that Paul Dietrich, an American lawyer with long-term ties to tobacco companies, played a significant role in this element of the tobacco company strategy. Dietrich wrote articles and editorials attacking WHO's priorities, which were published in major media outlets and widely disseminated by tobacco company officials. He also traveled around the world for tobacco companies, giving presentations to journalists and government officials on WHO's inappropriate spending and priorities. No mention was ever made in his articles and presentations that he received significant tobacco company funding.

In 1990, Dietrich, while still working with tobacco companies, was appointed to the Development Committee of the Pan American Health Organization (PAHO), an organization that also serves as WHO's regional office for the Americas. While there, the documents indicate that Dietrich attempted to redirect PAHO's priorities away from tobacco. According to the documents, he also played a role in getting PAHO to produce and sponsor an important

media event that was used by tobacco companies to divert attention from the WHO-sponsored 8th World Conference on Tobacco OR Health. Dietrich denies that he ever knowingly participated in any tobacco industry event or project, or that he was ever paid by the tobacco industry for his work.

- **Media seminars**

One of the key public relations strategies tobacco companies have employed over the years is to invite a small number of selected journalists to a conference where they hear the views of people who will provide a tobacco company viewpoint on topics of importance to the industry. Paul Dietrich made presentations criticizing WHO at a long series of media seminars around the world, sponsored by Philip Morris and BAT between 1984 and 1992. The documents show that the assembled journalists were told that the experts making presentations were entirely independent of the industry.

- **Media/political tours on behalf of tobacco companies**

Dietrich appeared not only at individual seminars, but was invited by tobacco company officials to tour whole regions promoting an anti-WHO agenda to government officials. During at least one of these tours, he also gathered intelligence and reported to the industry about tobacco control activities in the region. In some cases, he allowed his contacts to believe that he was a tobacco control activist.

- **Criticizing WHO in the print media**

In the late 1980s, Dietrich began to publicly attack WHO through the press. From 1988 through to 1993, he wrote numerous articles criticizing WHO in the mainstream media, mainly in the US, including the *Wall Street Journal, International Herald Tribune* and *Washington Times*. Dietrich's relationship to the tobacco industry was never mentioned in any of the articles.

Most of the articles published by Dietrich were timed to coincide with the annual sessions of the WHA, with the apparent goal of influencing the debates and resolutions of that body. The documents suggest that Philip Morris played a role in the publication and wide dissemination of some of Dietrich's articles, in furtherance of its campaign to undermine WHO and redirect its priorities away from tobacco control.

- **The Institute for International Health and Development**

Dietrich was the President of an organization called the Institute for International Health and Development (IIHD). The documents suggest that Philip Morris and BAT were involved with IIHD, and made use of the organization and its magazine, *International Health and Development,* in their campaigns to undermine WHO's tobacco control activities.

- **The Pan American Health Organization (PAHO)**

In 1990, Dietrich was appointed to the PAHO Development Committee. During at least part of the period that Dietrich was on the PAHO committee, the documents show that he also billed a monthly consulting fee from BAT. It was while at PAHO that Dietrich may have had the most significant opportunity to influence WHO policies on tobacco.

The documents suggest that Dietrich used his position there to try to redirect the organization's priorities away from tobacco,

by focusing more attention on childhood immunization and other diseases. A BAT document in 1991 reported that: "Paul has managed to persuade PAHO to take tobacco off their list of priorities for this year."[20] The documents also suggest that Dietrich may have been able to use PAHO as an unknowing front for the tobacco companies' strategy to divert attention from the 8th WCToH. (See Chapter VII.)

A PAHO official disputes the account provided by the documents, insisting that Dietrich had no influence over tobacco policy there. Dietrich claims that he carried out many of the activities described in the documents, but that they were not conducted for the tobacco industry.

- **Relationship with and financial ties to tobacco companies**

Tobacco company documents provide evidence of Paul Dietrich's long association with and financial links to tobacco companies. According to the documents, Dietrich and the institutions he operated were at different times associated with the Tobacco Institute, Philip Morris, and, most significantly, BAT. Many documents show that Dietrich and the organizations he operated received significant funding from tobacco companies. Indeed, tobacco company documents include bills from Dietrich to BAT. Another document refers to Dietrich's "expensive consultancy"[21] with BAT.

The case study illustrates one of the ways that tobacco companies, whose public credibility is low, have their positions publicly advocated by ostensibly independent "third parties." Although Dietrich denies that his long-standing campaign against WHO was funded by tobacco companies or that he worked with the industry on any of the projects described in this case study, the documents paint a different picture. The documents strongly suggest that Dietrich had a long relationship with members of the tobacco industry and that tobacco companies used this relationship to promote their anti-WHO agenda.

The fact that Dietrich had such a relationship with tobacco companies raises concerns about his appointment to a committee at PAHO. The committee of experts believes that there are significant conflict of interest issues raised by holding a position on a PAHO committee while simultaneously working for the tobacco industry, and has made a series of recommendations to help ensure that such conflicts do not arise.

4. 8th World Conference on Tobacco OR Health

A review of internal tobacco company documents relating to the 8th World Conference on Tobacco OR Health (WCToH), held in Buenos Aires in 1992, shows that BAT and Philip Morris, the two largest private tobacco companies, initiated a campaign to undermine the Conference, using an extraordinary range of tactics, some of which might be termed "dirty tricks." These included staging elaborate diversions from the Conference, and training journalists to both hound a conference participant and take over a WCToH press conference. Tobacco companies' planned use of the media in this context deserves special mention. In this campaign, journalists were to play a central and, in some cases, a knowing role in the manipulation of public opinion. Like so many of the other tobacco company campaigns described in this report, this case study exemplifies tobacco companies' consistent intent to conceal its role in carrying out plans to undermine WHO tobacco control initiatives.

The documents also suggest that tobacco companies made use of PAHO, an organization that also serves as WHO's Regional Office for the Americas, in its campaign. Through the offices of Paul Dietrich, identified in the documents as a tobacco company consultant who also sat on PAHO's Development Committee, the documents suggest that tobacco companies were able to guide the development of, and then exploit, a PAHO-sponsored media program, for the purpose of undermining the 8th WCToH. However, Dietrich claims that the industry was not involved in his media program, and PAHO officials dispute that Dietrich had any role in the media program.

- **Media Plan**

Integral to the tobacco company plan to weaken the 8th WCToH was a media event that the documents state was developed by Paul Dietrich. Dietrich's media program was created to promote the position that health spending in Latin America should not go to tobacco-control initiatives, but to other pressing public health issues such as children's immunization programs and AIDS prevention programs. The program called for popular US entertainer Gloria Estefan to star in a widely televised show advocating the importance of "vaccinating children" on a "Save the Children" tour, near the time of the Conference. A memo from Dietrich to BAT spelled out how this event would assist tobacco companies:

> "We now have a major media event around which to work. Secondly, we have a major star, who will attract large audiences. We have also been assured we will get early prime time airing of the television special on March 19th. All of this is perfectly timed for our initiative at the Eighth World Tobacco Conference. For the month leading up to the Tobacco Conference, all of the press will be focused on the major health priority in Latin America, which is to vaccinate all children."[22]

Capitalizing on his role in the PAHO Development Committee, the documents suggest that Dietrich managed to have this program funded by PAHO. PAHO was unaware of its intended use by tobacco industry officials.

Following the broadcast, industry representatives planned to place articles in news outlets throughout Latin America questioning the 8th WCToH and health spending on tobacco programs. Industry representatives also planned to train journalists to take over WCToH press conferences:

> "We must teach them [the journalists] how to be pushy and press the speakers aggressively (speakers will not want to compare spending on tobacco and funds for children. If they don't answer the question, our journalist must aggressively pursue the speaker with follow up questions until he finally addresses the issue - this will not be easy.) If we are successful in getting the journalists to be aggressive and work as a team, we should be able to dominate the press conference. Even if we only get a few journalists to write about the controversy we have created, I think this would be a success. We will also have succeeded in diverting the press conferences with "our" questions, so they have less time to attack us."[23]

- **Other public relations strategies aimed at the 8th WCToH**

The documents also show that tobacco companies plotted to distract attention from high profile American politicians attending the conference. An important soccer match

between an American and Spanish team was to be arranged on the day that former US President Jimmy Carter was to arrive at the conference. Industry representatives also planned a campaign against US Senator Edward Kennedy, who was present at the Conference:

> "Selected reporters will have to question his [Ted Kennedy's] alcoholic dependence and highlight the sexual harassing blamed on him in the USA, thus reducing the importance of his presence at the Conference."[24]

- **Scientific strategies aimed at the 8th WCToH**

Philip Morris and British American Tobacco developed scientific strategies to thwart any smoke-free policies that would result from the 8th WCToH. Primary strategies involved a scientific consultant program in Latin America and an indoor air quality conference to be held at the time of the Conference.

Industry officials also prepared for the 8th WCToH by meeting with the Conference organizers prior to the Conference and planned to recruit scientists to infiltrate the conference, but as in the rest of the campaign, the tobacco companies would camouflage their role.

> "With proper press handling we could, for the first time, create a controversy in areas in which public opinion is under the impression that none exists. This, of course requires that we are able to achieve the participation of top level scientists …*The industry, obviously, can not [sic] appear to sponsor the activity nor finance participants trips. That would have to be done through donations to foundations or independent institutions*…."[25] [Emphasis added.]

Although a review of documents relating to the 8th WCToH reveals grand plans by tobacco companies to undermine the 8th WCToH, there is limited evidence in the documents as to what aspects of the plan were actually carried out. Accordingly, searches of media archives and other literature searches were conducted. Interviews with Paul Dietrich, Ciro de Quadros, the Director of Immunizations at PAHO, and Carlyle Macedo, former Director of PAHO disclosed that some elements of Dietrich's media plan were carried out and others were not. The television program in which Gloria Estefan and other Latin American entertainers promoted childhood immunizations was produced in Miami and televised on national prime-time channels. However, Dietrich claims that while he was instrumental in the production of the program, the tobacco industry was not involved. PAHO officials claim that Dietrich was not involved in the program. Press accounts suggest that other planned events may also have occurred, including an AIDS event and a program for journalists on the economic importance of tobacco.

This case study demonstrates the lengths to which tobacco companies will go to undermine the success of a World Conference on Tobacco OR Health. Many of the tactics proposed by industry officials, such as staging an important soccer match to coincide with the arrival of Jimmy Carter or training journalists to hound Senator Edward Kennedy about drinking and sexual harassment allegations, had elements of a "dirty tricks" campaign. However, these tactics, and many others devised by industry officials in connection with the 8th WCToH, also had a more significant purpose: to distract media attention from the Conference and manipulate the media stories that emerged.

Two recommendations follow from this case study. First, the committee of experts recommends increasing media advocacy training and funding to WHO Regional Offices and Collaborating Centers. Second, the committee of experts recommends that WHO continue to require financial disclosure for submissions to future WCToHs, and consider expanding these disclosures to identify underlying sources of significant funding.

5. United Nations Standard-Setting for EBDC Pesticides

The ethylene bisdithiocarbamate (EBDC) pesticides protect tobacco and other crops from fungi and molds. In the 1980s, evidence began to mount that the common breakdown product of these chemicals, known as ethylene thiourea (ETU), causes cancer. In September 1989, anticipating a regulatory action, US manufacturers of EBDCs cancelled many uses for the fungicides – including all uses on tobacco crops. Soon after, tobacco industry officials at the Cooperation Centre for Scientific Research Relative to Tobacco (CORESTA), an industry organization, embarked on a campaign to ensure continued availability of the EBDCs.

CORESTA hired Gaston Vettorazzi, former pesticide official at WHO, to coordinate its campaign for the EBDCs. In the spring of 1991, Vettorazzi produced safety reviews of the EBDC pesticides for CORESTA. These reviews were revised and edited by tobacco industry scientists. In his reports, Vettorazzi initially concluded that ETU "is not a carcinogen." A preliminary review by the committee of experts of these documents raises questions about the validity of Vettorazzi's interpretation of the scientific evidence.

With Vettorazzi's reassuring reports on the EBDC fungicides in hand, CORESTA considered releasing the information to the Joint Meeting on Pesticide Residues (JMPR), a combined program of WHO and the Food and Agriculture Organization (FAO). JMPR is responsible for setting safety standards for pesticides, and tobacco industry officials recognized the key role of this UN standard-setting effort. If JMPR had determined that safety concerns precluded the establishment of a safe intake level for the EBDCs, then the pesticide manufacturers might have considered stopping production of these chemicals altogether. On the other hand, if JMPR were to set a safe intake level, then manufacturers would be assured of an international safety standard and would have reason to maintain production.

After extensive discussion, in January 1992, the CORESTA Board decided to allow Vettorazzi to send his reviews to JMPR under the name of the International Toxicology Information Centre – with no mention of CORESTA's role in the reports.

Soon after submitting his reports to JMPR, the WHO Secretariat asked Vettorazzi to serve as a temporary advisor and review pesticides. Vettorazzi sought and obtained funding from CORESTA to work at JMPR.

Over the ensuing 2 years, CORESTA paid Vettorazzi nearly US$100,000 to work at WHO reviewing pesticides and serving as a temporary advisor to assist JMPR in its evaluation of EBDCs. This financial arrangement, which ensured that a tobacco industry consultant would be in a position to participate in a UN standard-setting effort, was not disclosed to WHO or to JMPR.

In November 1993, JMPR issued its conclusion about the EBDCs. JMPR's scientific conclusions were consistent with

Vettorazzi's reports, but not with the conclusions of the US Environmental Protection Agency (EPA). Accordingly, JMPR set a safe intake level for ETU that eventually led to a legal recognition of safety under international standards. CORESTA hailed the decision as a major victory for tobacco companies.

Because of the lack of documentation of the decisionmaking process at the JMPR, Vettorazzi's impact on JMPR's standard setting is unclear. A preliminary review of the JMPR toxicology monograph on ETU raises questions about whether the international committee satisfactorily addressed all available evidence.

Subsequent to JMPR's review, the documents indicate that CORESTA financed Vettorazzi to publish a scientific paper on the international evaluation of the EBDCs. This paper appeared in *Teratogenesis, Carcinogenesis and Mutagenesis* in 1995 without acknowledgment of tobacco company financial support. Various industry organizations have retained Vettorazzi to represent tobacco's interests at UN meetings, including the Codex Alimentarius Commission, and to assist tobacco companies on national pesticide issues around the world. Vettorazzi continues to consult for CORESTA today.

The story of the EBDCs demonstrates the ability of tobacco companies to involve one of their consultants in a UN standard-setting activity surreptitiously and highlights the role of financial stress in creating opportunities for tobacco companies. Financial pressure created an obvious incentive for WHO officials not to press Vettorazzi for too many details about the arrangement that brought him to Geneva.

This case study illustrates tobacco companies' willingness to influence any UN processes related to tobacco and health. Industry officials identified a threat to the industry's future in pesticide regulation and quickly developed a strategy to protect its interests.

A fundamental question is whether a tobacco industry consultant – hiding his tobacco company ties –contributed significantly to a conclusion by a UN standard setting agency about the safety of a widely used group of pesticides and whether that conclusion was inappropriate.

The committee of experts' review of evidence raises troubling questions about whether Vettorazzi inappropriately favored the EBDCs. The committee of experts cannot reach a definitive conclusion on the safety of these pesticides, and the lack of adequate documentation within JMPR complicates an assessment of what happened prior to and during its 1993 meeting. A preliminary review cannot fully exonerate the JMPR process and conclusions, and the committee of experts believes that further investigation is necessary.

In conclusion, Vettorazzi's role in advising JMPR on the EBDCs represents a tobacco company attempt to influence the scientific community while hiding its own role and ultimately undermines the integrity of JMPR's decisions. To restore credibility and to prevent future occurrences of similar attacks on standard-setting activities, the committee of experts believes that WHO must reform its approach to conflict of interest and provide strong guidance and enforcement for ethical standards.

Among several suggestions specific to this case study, the committee of experts recommends that WHO obtain an independent evaluation of those pesticides in which Vettorazzi took an active interest.

6. IARC ETS Study

A multi-million dollar tobacco company campaign to undermine a large-scale epidemiological study on the relationship between environmental tobacco smoke (ETS) and lung cancer has recently been documented in *The Lancet*.[26] The ETS study was conducted by the International Agency for Research on Cancer (IARC), an agency established under the auspices of WHO. The tobacco company campaign aimed to influence the results of this study and to weaken its impact on the global regulation of ETS. The committee of experts has reviewed documents that describe this campaign and interviewed the IARC study coordinator.

The story demonstrates tobacco companies' willingness to compromise the integrity of an independent scientific study. The story also provides important information about how tobacco companies achieve their goals when attempting to influence scientific and regulatory decision-making.

Initiated in 1988, the IARC ETS study was an international, collaborative case-control study to assess the relationship between exposure to ETS and other environmental risk factors and the risk of lung cancer in subjects who had never smoked tobacco. When tobacco industry officials learned about the IARC ETS study, they became alarmed that a conclusion from the respected IARC that ETS causes cancer could result in new smoking restrictions in Europe and around the world.

In 1993, Philip Morris launched a wide-ranging, well-funded campaign to influence or contain the negative impact of the IARC study. The objectives of the campaign were to:

> "1. Delay the progress and /or release of the study.
>
> 2. Affect the wording of its conclusions and official statement of results.
>
> 3. Neutralize possible negative results of the study, particularly as a regulatory tool.
>
> 4. Counteract the potential impact of the study on governmental policy, public opinion, and actions by private employers and proprietors."[27]

Philip Morris and a task force composed of many tobacco companies developed an ambitious set of strategies to achieve their objectives:

- Influence IARC budgets or officials to cancel or delay the study.
- Establish contacts with the scientists carrying out the studies.
- Conduct and promote counter research.
- Promote scientific standards that would limit the use of epidemiology as a basis for public policy and create an "independent" coalition of scientists to criticize damaging studies.
- Manipulate the public and regulatory response to the study results.
- Cancel or influence the expected IARC monograph on ETS. (IARC publishes authoritative assessments of the risk of cancer from various agents, known as monographs, which are frequently used by governments considering regulatory action.)

From 1993 through the release of the IARC study report in 1998, the tobacco companies implemented their plans to

influence the conduct of the study and the interpretation of its results.

- Tobacco companies established contacts with IARC investigators, generally through outside scientists, to gather intelligence about the study, and influence the interpretation of the study results. Through these contacts, tobacco companies obtained certain confidential information about the study and its progress.

- Tobacco companies commissioned and promoted numerous studies and conferences designed to cast doubt on ETS's toxicity and on the methods used in the IARC study.

- In many instances, the tobacco companies appear to have successfully concealed their role in contacting IARC investigators and in their funding and marketing of counter research.

- Tobacco companies worked for adoption of epidemiological standards that would prevent governments from relying on the IARC study, and to form an ostensibly independent sound science coalition that would assist tobacco companies' legislative agenda by challenging the use of certain types of studies as the basis for policy making.

- Tobacco companies developed and carried out an elaborate media and government strategy in which they managed to distort the study results, spawning widespread, inaccurate media reports that the study showed no risk of cancer from ETS.

- Industry representatives worked to gain invitations for tobacco company consultants to participate in the expected monograph working group and to produce studies that would influence the monograph results.

The least successful elements of the tobacco company strategy were those intended to (1) cancel or delay the study and (2) develop generally accepted epidemiological practice standards that would prevent regulatory authorities from using the IARC study in standard setting. Both plans appear to have been abandoned because they were not feasible.

Tobacco companies successfully established contacts with the IARC investigators and funded and publicized research designed to cast doubt on the validity of the IARC study. Through their contacts with IARC investigators and collaborators, tobacco companies were able to gain a great deal of information about the design, conduct, and analysis of the study, as well as information on preliminary results. Some of this information was intended to be kept confidential.

Ultimately, however, the tobacco companies' efforts to contact scientists and influence the methodology of the study do not appear to have altered the study results or analysis. Although IARC has not initiated a monograph on ETS, the committee of experts did not find evidence in the tobacco company documents that IARC's decision not to issue a monograph was influenced by the tobacco industry.

The tobacco companies' communications strategy was the most successful element of its attempt to undermine the IARC study. By distorting the statistical underpinnings of the study results, tobacco industry officials managed to convince journalists around the world to write news stories that the study showed no increased risk of lung cancer from ETS exposure in non-smokers. Tobacco

companies' distortions of the study results continue to be repeated in media accounts and in tobacco company presentations to regulatory authorities.

The committee of experts has included several recommendations for IARC to follow to help prevent successful manipulation of future scientific studies by tobacco companies. These include written guidelines for: (1) handling contacts with outside organizations, particularly industry representatives; (2) disclosure of information; and (3) acceptance of research grants or offers of employment from industries affected by the studies in which IARC investigators are participating. Additionally, the committee of experts recommends that IARC and WHO consider a policy of embargoing information about the results of tobacco-related studies until the full report is ready for release. IARC and WHO should also develop and maintain communication about tobacco-related issues.

E. Recommendations

In the course of this inquiry, the committee of experts has identified many reasons for concern about the integrity of the process for international decision-making about tobacco. The evidence shows that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of WHO to address tobacco issues. The attempted subversion has been elaborate, well financed, sophisticated and usually invisible. That tobacco companies resist proposals for tobacco control comes as no surprise, but what is now clear is the scale, intensity and, importantly, the tactics, of their campaigns. To many in the international community, tobacco prevention may be seen today as a struggle against chemical addiction, cancers, cardiovascular diseases and other health consequences of smoking. This inquiry adds to the mounting evidence that it is also a struggle against an active, organized and calculating industry.

This has implications for WHO, and perhaps for other international bodies, in terms of both program activities and internal procedures. The committee of experts hopes this report will contribute to a broad discussion of those implications within the international community, and will lead to the necessary changes in practices and programs to ensure that the integrity of international decision-making is protected.

- **Increasing public awareness of tobacco company influence**

The committee of experts recommends that WHO increase public awareness of tobacco company influence on international tobacco control policies. Specifically, WHO should release and publish this report for discussion at public hearings on the Framework Convention on Tobacco Control in October 2000, in addition to a broader public distribution.

- **Further investigation by other UN agencies and member countries**

In the course of its review, the committee of experts has seen statements suggesting possible tobacco company influence on the policies of other UN agencies and member countries. The committee of experts therefore recommends that WHO urge other UN organizations and member countries to conduct investigations similar to this one to uncover possible tobacco company influence.

- **The Framework Convention on Tobacco Control**

It is likely that tobacco companies will attempt to defeat the proposed Framework

Convention on Tobacco Control, or to transform the proposal into a vehicle for weakening national tobacco control initiatives. Such a campaign is likely to be sophisticated and sustained, and to use tactics similar to those described in this report. The committee of experts recommends that WHO develop a sophisticated communications campaign to support the Framework Convention on Tobacco Control and counter any campaign of opposition by tobacco companies.

- **Protecting the integrity of WHO's decision making process**

In the course of this inquiry, the committee of experts identified several areas in which it felt the process and rules currently in place at WHO to guard against potential conflicts of interest involving the tobacco industry should be clarified, strengthened or expanded. These recommendations are intended for application throughout WHO, including within its Collaborating Centers.

The existing conflict of interest requirements for WHO employees are contained in one page of staff regulations promulgated by the WHA and one page of staff rules established by the Director-General. As a general observation, the committee of experts notes that these ethical rules have been clarified significantly in recent years, and that internal review of the rules is continuing.

Based on its review, the committee of experts identified specific opportunities for improving this regulatory regime. Taken together, the committee of experts hopes that the specific recommendations set forth in this report will help protect the integrity of WHO's decision making. They include suggestions for screening prospective employees, consultants, advisors, and committee members for conflicts of interest, and clarifying the consequences of violations of ethical rules.

The recommendations also urge WHO to place before the WHA, for discussion by member countries, questions related to disclosure of affiliations between WHA delegates and tobacco companies, and between Non-Governmental Organizations (NGOs) and tobacco companies.

- **Protecting scientific integrity**

As demonstrated by this report's case studies of the IARC ETS study and the review of dithiocarbamate pesticides, additional safeguards are needed to protect against tobacco company attempts to distort scientific research sponsored by, or associated with, WHO and affiliated organizations. To this end, the committee of experts has offered: (1) recommendations for educating scientific investigators about tobacco companies' efforts to undermine research; (2) guidelines for contact with industry representatives and disclosure of information and funding sources; and (3) suggestions for interagency communication standards among UN bodies. The committee of experts also recommends that WHO and IARC develop affirmative communications plans to anticipate and counter tobacco company misrepresentation of important new research findings.

- **Addressing tobacco companies' developing country strategy**

Tobacco companies' successful efforts to reach out to developing countries based on the economic importance of tobacco suggest that WHO must address these countries' concerns to achieve a global consensus on tobacco control. WHO should develop a strategy to counter the tactics employed by tobacco companies to gain

opposition to tobacco control in the developing world. This strategy must address the legitimate economic issues raised by the loss of tobacco as a cash crop.

- **Correcting past tobacco company misconduct and protecting the public from future misconduct**

This report details a pattern of influence and misconduct by tobacco companies aimed at thwarting global tobacco control initiatives. The committee of experts believes that the harm caused by the tobacco companies' conduct was significant and far-reaching. The report recommends that WHO take two important steps to correct the results of past misconduct and guard against future tobacco company misconduct.

First, WHO should assist member states in determining whether they have a legal and factual basis to seek restitution from tobacco companies for past misconduct.

Second, WHO should monitor tobacco company activities to determine whether the pattern of behavior described in this report has ceased or is continuing. To ensure that tobacco company misconduct does not remain hidden, as it has in the past, WHO should make regular public reports on its findings.

F. Conclusion

This inquiry demonstrates the magnitude of tobacco companies' opposition to WHO tobacco programs, and offers insight into their activities, strategies and attitudes. Moreover, it demonstrates that tobacco is unlike other threats to health. Reversing the epidemic of tobacco use will be about more than fighting addiction and disease; it will be about overcoming a determined and powerful industry, many of whose most important counter-strategies are carried out in secret. If this inquiry contributes to that understanding, the committee of experts will have succeeded in its work.

Notes

1. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5143. www.pmdocs.com. UQ 32846.
2. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5262. www.pmdocs.com. UQ 33561.
3. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6235. Guildford Document Depository. UQ 33691.
4. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5143. www.pmdocs.com. UQ 32846.
5. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner]* June 26, 1979. British American Tobacco Company. 100433043–3047 at 3046. Guildford Document Depository. UQ 33162.
6. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.
7. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268. www.pmdocs.com. UQ 33561.
8. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.
9. *PMI Corporate Affairs Action Plan 1990.* November 2, 1989est. Philip Morris Companies Inc. 2500019979–9999 at 9980–9982. www.pmdocs.com. UQ 33558.
10. Sullivan J. *IARC Study.* September 2, 1993. Philip Morris Companies Inc. 2501117793–7797 at 7795. www.pmdocs.com. UQ 33603.

11. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654119–4123. www.pmdocs.com. UQ 66.

12. Bloxidge JA. *International Tobacco Growers' Association (ITGA).* October 11, 1988. British American Tobacco Company. 502555415–5417 at 5417. Guildford Document Depository. UQ 33284.

13. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

14. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1986. Philip Morris Companies Inc. 2021596422–6432 at 6429. www.pmdocs.com. UQ 32834.

15. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268. www.pmdocs.com. UQ 33561.

16. Worster A. *Telex.* July 10, 1980. R.J. Reynolds Tobacco Company. 500882050–2053 at 2051. www.rjrtdocs.com. UQ 82.

17. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health*. *[Memo by E. Brueckner.]* June 26, 1976. British American Tobacco Company. 100433043–3047 at 3046. Guildford Document Depository. UQ 33162.

18. Hartogh JM. *Action Plan Proposed by ICOSI Task Force 4th World Conference on Smoking & Health. Stockholm, June 18–22, 79.* January 30, 1979. Council for Tobacco Research. 10395689–5695 at 5695. www.ctr–usa.org/ctr. UQ 32797.

19. Marcotullio R. *INFOTAB Board of Director's (BOD) Meeting–March 30, 1981*. April 6, 1981. R. J. Reynolds Tobacco Company. 502741855–1859 at 1857. Bliley Documents at www.tobaccodocuments.org. UQ 60.

20. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

21. Boyse S. *Robert Tollison/WHO*. April 29, 1993. British American Tobacco. 500899073. Guildford Document Depository. UQ 33738.

22. Dietrich P. September 6, 1991. British American Tobacco Company. 300516109–6111 at 6111. Guildford Document Depository. UQ 33569.

23. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4352. Guildford Document Depository. UQ 33338.

24. Dastugue JB. *8th World Conference on Tobacco or Health*. January 13, 1992. British American Tobacco Company. 300504295–4298 at 4296. Guildford Document Depository. UQ 33336.

25. Dastugue JB. 8*th World Conference on Smoking & Health.* June 14, 1991. British American Tobacco Company. 304004077–4078 at 4077. Guildford Document Depository. UQ 33187.

26. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

27. Greenberg DI. *IARC* Study. September 15, 1993. Philip Morris Companies Inc. 2021184117–4121 at 4118. www.pmdocs.com. UQ 33590.

    IARC epidemiological study on lung cancer and ETS. 1993. Philip Morris Companies Inc. 2501341817–1823 at 1818. www.pmdocs.com. UQ 33591.

I. INTRODUCTION

A. Committee's Charge

On October 12, 1999, Director-General Gro Harlem Brundtland of the World Health Organization (WHO) announced that she was appointing a committee of outside experts to conduct a preliminary inquiry into whether tobacco companies have attempted to undermine tobacco control efforts by WHO or other United Nations (UN) agencies. The press release stated that an initial analysis had been done, which revealed "efforts to prevent implementation of healthy public policy and efforts to reduce funding of tobacco control within UN organizations."

The Terms of Reference for the committee of experts stated that its task was to research the formerly secret, now publicly available, tobacco company documents. The committee of experts was to determine whether and to what extent tobacco companies have attempted to influence the development and implementation of tobacco control policies or the performance of related activities at WHO, the International Agency for Research on Cancer (IARC, an agency established under the auspices of WHO), and other bodies and agencies of the UN system that have expressed an interest in the inquiry. If the committee of experts determined that information beyond the publicly available documents was necessary, it was to consult with the Director-General or other officials designated by her for this purpose on the most appropriate means to obtain that information. The committee of experts was to provide to the Director General a status report and a final report.

B. Members of the Committee of Experts

The Director-General asked Thomas Zeltner, the Director of the Swiss Federal Office of Public Health and a member of WHO's Executive Board, to lead the committee of experts. The Director-General also appointed David Kessler, Dean of the School of Medicine at Yale University, Anke Martiny, Executive Director of Transparency International, German Chapter, and former member of the German Federal Parliament, and Fazel Randera, Inspector General of Intelligence for South Africa, and former Truth and Reconciliation Commissioner. Dr. Martiny was nominated to the committee of experts by the World Bank.

The committee of experts was assisted in its investigation by a staff of eight researchers, 2 full-time and 6 part-time. Led by Ann Witt, the staff included Douglas Blanke, Abigail Halperin, Nadine Leavell, Monique Muggli, Andy Rowell, Joshua Sharfstein, and Judith Watt.

C. Scope of the Investigation

The committee of experts limited its investigation to tobacco company influence on tobacco control activities at WHO headquarters, its Regional Offices and Collaborative Centers, and IARC. The committee of experts also identified documents related to the World Bank. Other UN agencies did not express an interest in the investigation.

The committee of experts wishes to emphasize that this report, while as thorough as possible in the time allowed, is not an exhaustive review of relevant company documents or of other evidence related to tobacco company influence at WHO or the UN. (See below, "Limitations of the Investigation.") The committee of experts therefore encourages further investigation of the topics covered in this report.

D. Overview of the Report

This report has eleven chapters. After the Introduction, Chapter II describes the methods used in researching this report and describes some of the limitations of the committee of experts' investigation. Chapter III contains a brief description of the many tobacco company strategies and tactics used to influence WHO tobacco control policies found in the documents. These strategies and tactics include:

- Staging events to divert attention from the public health issues raised by tobacco use,
- Establishing inappropriate relationships with WHO officials,
- Attempting to reduce budgets for the scientific and policy activities carried out by WHO,
- Pitting other UN agencies against WHO,
- Seeking to convince developing countries that WHO's tobacco control program is a "First World" agenda carried out at the expense of the developing world,
- Distorting the results of important scientific studies on tobacco, and
- Discrediting WHO as an institution.

Each type of strategy is illustrated by specific examples from the documents. The committee of experts has included a few individual pages of actual tobacco company documents.

Chapters IV-IX contain six detailed case studies of specific campaigns undertaken by tobacco companies to influence WHO tobacco control activities, or of individuals who played strategic roles in the tobacco companies' campaigns. Many of the case studies illustrate tobacco companies' use of the strategies outlined in Chapter III. These case studies show that:

- One tobacco company targeted WHO as part of a massive and far-reaching campaign to subvert tobacco control activities around the world.
- Tobacco companies have conducted an ongoing, global campaign to convince developing and tobacco-producing nations to resist WHO tobacco control policies.
- One tobacco company consultant attacked WHO in the media and in presentations to regulatory authorities without revealing his ties to tobacco companies. This consultant was also named to a PAHO committee where he attempted to use a WHO Regional Office in tobacco company plans to distract attention from a WHO-sponsored conference.
- Tobacco companies attempted to stage elaborate diversions from, and disruptions of, a WHO-sponsored conference on tobacco.
- A tobacco industry organization secretly funded a scientific advisor to a WHO committee, raising serious questions about whether WHO's international standard-setting activities related to pesticide safety were affected.
- Tobacco companies carried out a multi-million dollar campaign to halt or influence the results of an important IARC study on the relationship between environmental tobacco smoke and lung cancer, relying on consultants to conceal the companies' role.

Each case study includes specific recommendations for actions by WHO to prevent improper tobacco company influence.

In addition to the specific recommendations following each case study, Chapter X lists general recommendations in response to the tobacco company activities detailed in the report. Chapter X also provides, for the convenience of the reader, a comprehensive list of the specific recommendations following each of the case studies. The committee of experts' conclusions are found in Chapter XI. A Glossary of Acronyms used in the report follows Chapter XI.

II. METHODOLOGY

A. Survey of Publicly Available Documents

The investigation carried out by the committee of experts focused on the collection of tobacco company documents made publicly available as a result of US lawsuits against the tobacco industry. These documents are accessible on the Internet and in two document depositories in Minneapolis, Minnesota, USA and Guildford, UK.

The committee of experts made use of two Internet websites in its research:

1. www.tobaccoarchives.com

This website is jointly hosted by several US tobacco companies and trade associations, which provides links to separate websites run by Philip Morris Companies Inc. (Philip Morris), R.J. Reynolds Tobacco Company (RJR), Brown and Williamson Tobacco Company (B&W), Lorillard Tobacco Company (Lorillard), the Tobacco Institute (TI), and the Council for Tobacco Research (CTR). Each of these linked websites contains a database of documents. The B&W site contains two databases, one for B&W and one for American Tobacco Company (ATC) documents. Although the bulk of the documents contained in these databases was produced in the lawsuit brought by the State of Minnesota and settled in 1998, documents that are produced in subsequent smoking and health litigation where the tobacco industry is named as a defendant are frequently added to the databases.

2. www.tobaccodocuments.org

This is an independent website that contains, among other things, approximately 39,000 documents that the tobacco companies sought to withhold in the Minnesota lawsuit, and that were released to the public on an Internet website by US Congressman Thomas Bliley. These 39,000 documents are essentially unsearchable on the Bliley website, but can be searched at a different website, www.tobaccodocuments.org.

3. Tobacco Document Depositories

The Minnesota Tobacco Document Depository is intended to contain roughly the same documents as are available at the tobacco companies' websites, but in practice contains some documents not available on the companies' websites, and often contains newly released documents more quickly than they appear on the companies' websites. The Guildford Depository contains British American Tobacco Company (BAT) documents that are not available on any Internet website. Currently, there are 51 boxes of BAT Industries and BAT Company documents housed at the Minnesota depository. These documents represent material that was selected for use in the Minnesota trial and material produced after the Minnesota settlement in subsequent smoking and health litigation where BAT was named as a defendant.

Through the Internet websites and depositories, documents are available from the files of Philip Morris, RJR, B&W, ATC, Lorillard TI, CTR, and BAT. Limitations on

the relevance, availability and searchability of these documents are described below in Chapter II.F.

Committee of experts staff reviewed documents in the internet databases and at the Minnesota and Guildford depositories between January 1 and June 30, 2000. Document review involved acquisition, cataloging, abstracting and categorization of tobacco company documents, and development of case studies. (See Figure II-1.) Committee of experts staff searched the databases and depositories using general search terms, e.g., "world health organization," as well as specific search terms, e.g., specific names, organizations, and strategies, identified by the research

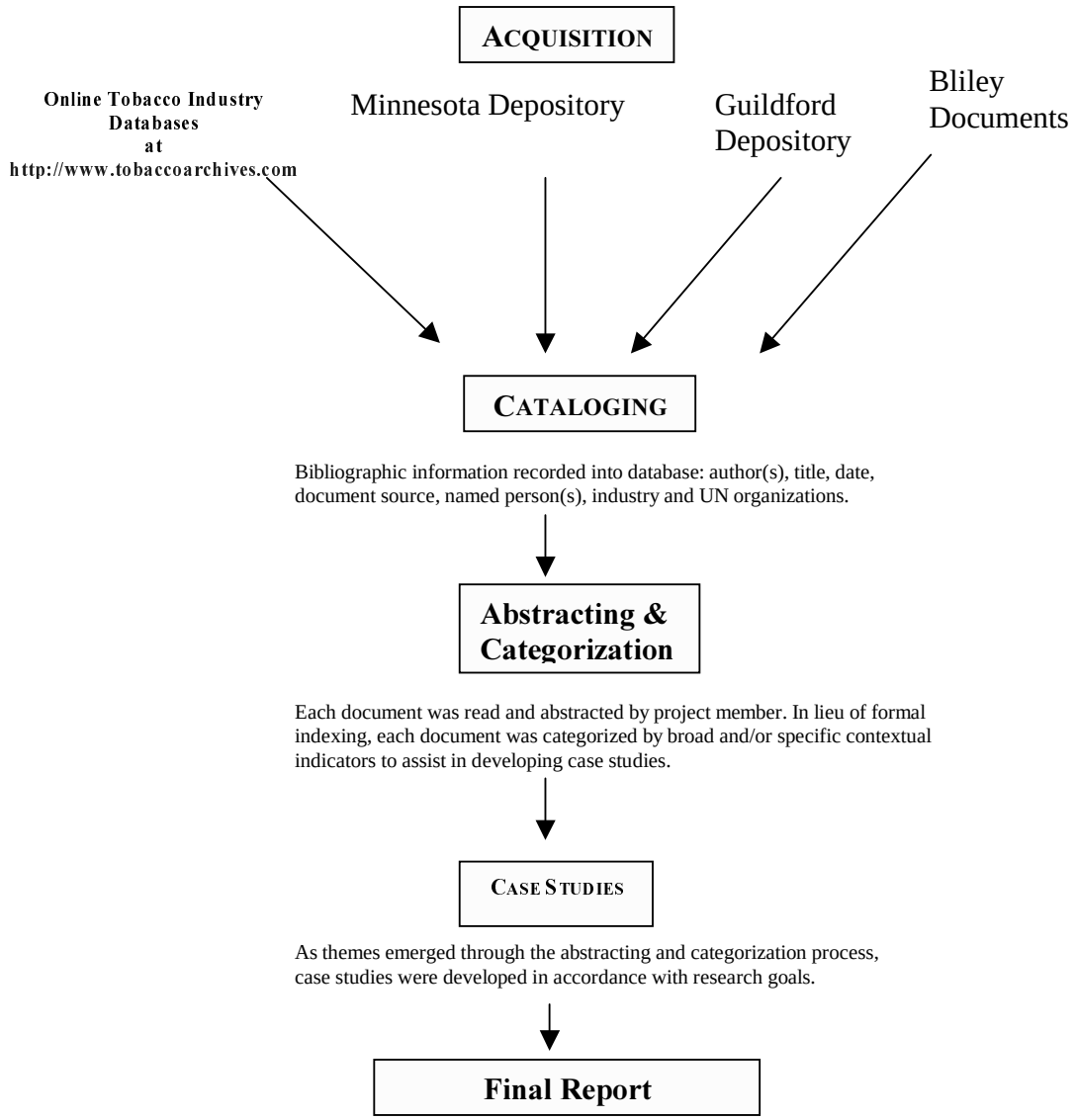


Figure II-1: Methodology

team as relevant. Over 700 relevant documents were identified. Each document was assigned a UQ number, which was included in each footnote in this report. The committee of experts has made the documents cited in this report available to WHO in electronic form, identified by UQ, so that readers may refer to the actual images of the documents.

B. Limited Interviews to Help Understand the Documents

The Terms of Reference for the committee of experts stated that the committee of experts was to consult with the Director-General if the committee of experts believed that sources of information other than the documents were needed. Per agreement with the Director-General, the committee of experts made requests to the Director-General to interview specific individuals to help the committee of experts understand specific documents. This resulted in interviews of approximately a dozen individuals. In addition, the committee of experts obtained background information about the tobacco program at WHO from individuals in WHO's Tobacco Free Initiative.

C. Limitations of the Investigation

The committee of experts wishes to emphasize that its investigation into tobacco company attempts to influence tobacco control activities at WHO was not exhaustive. There were principal limitations on the committee of experts' research: (1) the publicly available documents do not represent a complete set of documents relevant to tobacco company influence on WHO; (2) interviews, which might have produced relevant information, were used only to a very limited extent, consistent with the committee of experts' terms of reference; and (3) the time allotted for the investigation was relatively brief.

1. Limitations of the Documents

As a source of information about tobacco company influence on WHO, the documents available on the Internet and at the Minnesota and Guildford depositories provide much useful data. The documents are not, however, a complete source of information on this subject. Most importantly, the collection of documents available on the Internet and the two document depositories was never designed to capture documents relevant to tobacco company influence on WHO. Instead, these documents were collected in litigation whose focus was primarily tobacco company activities in the US. In addition, most of the documents collected in these lawsuits are dated before 1995, leaving large gaps in our knowledge of tobacco company activities after that time.

There are other limitations on the documents as a source of information. The document websites and depositories vary substantially in ease of searching for relevant documents. All the databases and depositories share other searching difficulties, such as documents whose attachments are missing or difficult to find, and documents that are completely or largely illegible. (See Box II-1.)

The Guildford depository posed special problems for the committee of experts. Run by BAT, it is difficult to gain permission to use the depository, its daily hours are restricted (10am-4pm), and copying of requested documents can take several weeks or months. BAT also reserves the right to withhold requested documents as privileged. Copies of documents requested for this investigation were produced by BAT after approximately 11 weeks, and 2 of the requested documents were withheld. The committee of experts notes that the two documents that were withheld had been previously produced by BAT for WHO, in March 1999, and for Action on Smoking and Health (ASH) UK, on July 21, 1999. The second document was made available to the committee of experts by ASH UK.

2. Other Means of Investigation Were Used Only to a Limited Extent

With the specific permission of the Director-General, the committee of experts and its staff interviewed a small number of people to help understand specific documents. In many cases, it was not possible to determine from the documents or from the individuals interviewed what related activities occurred either before or after the activities described in the documents. More extensive personal interviews would provide additional information about tobacco company influence of WHO tobacco control programs.

The committee of experts also requested permission to review WHO budget files to help determine whether tobacco companies influenced the loss of extra-budgetary funds by the Tobacco or Health program in the early 1990s. Although permission was granted, the committee of experts was subsequently told that it was impractical to search these files. Many files had been destroyed and others were almost impossible to find because of the inefficient tracking system used for those files.

Box II-1: Problems of Document Searching

Online databases

Documents posted to the online industry databases are searchable only through the "4b index," an industry-created index that does not reveal the subject of the document. The index provides standard fields that record author, title, date and bates number, and a few other fields such as named persons and organizations. Only the fields, which often contain erroneous or deficient information, can be searched; full-text searching is not available. The industry has refused to release a more complete, existing index to the documents (the "4a index"), although a recent court decision will make that index available in the near future. The Bliley documents are available with full-text search through www.tobaccodocuments.org.

Searching of the online databases is also limited by:

- Violations of court-ordered time limits for posting new documents online.
- Illegible and incomplete documents.
- Missing documents.
- Intermittent periods when the databases are taken off-line.

Depositories

The Minnesota depository is searchable through the 4b index, though fewer search fields are available. Newly produced documents are not immediately accessible through the 4b index. BAT documents and certain other documents are not included in the index and must be reviewed manually.

The Guildford depository offers no online access and physical access is extremely limited. Files can be searched only by the name given to a physical file by the creator of that file, rather than by standard cataloging practices. Individual documents can be searched manually only.

These limitations meant, among other things, that, for purposes of this report, the committee of experts took the tobacco company documents largely at face value. That is, the committee assumed that the documents were real and not fabricated.

The committee recognizes, however, that the documents reflect the tobacco companies' and others' position and views of the world, and that they may not always be accurate. A tobacco company document may claim responsibility for influencing an individual's views when in fact that individual held those views independently. Where a document purports to set forth an individual's views, it may take those views out of context. The committee of experts has attempted to make clear throughout the report where information comes from the documents and where it comes from other sources.

3. Time Available for the Investigation

Letters of appointment were issued to committee members at the end of December, 1999, and contracts for committee staff were finalized by the end of January, 2000. The committee of experts was asked to submit a report on its investigation in May 2000. This date was extended by one month at the committee of experts' request, primarily to permit the committee of experts to finish conducting interviews and to receive copies of documents requested from the Guildford depository. In the time allowed for document research, committee staff conducted reasonably thorough searches of the databases and depositories. These searches were not exhaustive, however. This is particularly true of the Guildford depository, where committee staff had a limited time and where document searches are unusually difficult. The committee of experts believes that a more extended investigation could have produced additional relevant documents and information. In addition, the case studies that the committee of experts has presented in this report raise certain questions that could be not be resolved in the time allowed for this investigation.

III. STRATEGIES AND TACTICS USED BY TOBACCO COMPANIES TO INFLUENCE WHO TOBACCO CONTROL

A. Overview

The tobacco company documents reviewed by the committee of experts reveal that tobacco companies have focused significant resources on undermining WHO tobacco control activities and have used a wide range of tactics to achieve their goal. Tobacco companies viewed WHO as one of their leading enemies, and saw themselves in a battle against WHO. According to one major company's master plan to fight threats to the industry, "WHO's impact and influence is indisputable," and the company must "contain, neutralize, [and] reorient"[1] WHO's tobacco control initiatives.

Tobacco company documents show that the companies fought WHO's tobacco control agenda by, among other things, diverting attention from the public health issues raised by tobacco use, attempting to reduce budgets for the scientific and policy activities carried out by WHO, pitting other UN agencies against WHO, seeking to foster views that WHO's tobacco control program was a "First World" agenda carried out at the expense of the developing world, distorting the results of important scientific studies on tobacco, and discrediting WHO as an institution.

Tobacco company strategy documents reveal the companies' goals and tactics:

"Attack W.H.O."[2]

"[U]ndertake a long-term initiative to counteract the WHO's aggressive global anti-smoking campaign and to introduce a public debate with respect to a redefinition of the WHO's mandate."[3]

"[B]lunt [WHO's] programme initiatives."[4]

"[Try] to stop the development towards a Third World commitment against tobacco."[5]

"[A]llocate the resources to stop [WHO] in their tracks."[6]

"Discredit key individuals."[7]

"[Contain WHO's] funding from private sources."[8]

"Work with journalists to question WHO priorities, budget, role in social engineering, etc."[9]

"[Reorient]/reprioritiz[e]…IARC [International Agency for Research on Cancer] priorities/budget allocations."[10]

"[Try] to change the very nature and tone of the [WHO-sponsored] conference."[11]

"[Establish] ITGA[International Tobacco Growers Association] [as a] front for our third world lobby activities at WHO."[12]

"[P]ersuade PAHO [Pan American Health Organization] to take tobacco off their list of priorities for this year."[13]

"[I]nhibit incorporation of ILO [UN's International Labor Organization]into WHO Anti-Smoking Program."[14]

"Split F.A.O. [UN Food and Agriculture Organization]/W.H.O."[15]

This chapter describes the types of strategies and tactics to influence WHO tobacco control activities employed by tobacco companies, with examples from the documents.

The evidence before the committee of experts suggests that some of the tobacco company strategies have succeeded in influencing WHO tobacco control activities, while others have not. In some cases, the committee of experts was not able to follow up on, or could not determine from the available evidence, whether a particular strategy was successful. In several cases, where the committee of experts found an incident or strategy described in the documents to be particularly suggestive of successful influence or illustrative of tobacco company tactics, the committee included in the report a longer case study of the incident or strategy (see Chapter IV-IX of the report).

This Chapter should not be considered an exhaustive catalogue of tobacco company strategies to influence WHO, in light of the limitations of the committee's investigation described in Chapter II of this report.

B. Strategies and Tactics

1. Establishing Inappropriate Relationships with WHO Staff to Influence Policy

In one of its most significant strategies for influencing WHO's tobacco control activities, tobacco companies have developed and maintained relationships with WHO staff, consultants and advisors. In some cases, tobacco companies have cultivated relationships with individuals already serving as WHO employees, offering them future employment or involving them in tobacco company activities while still serving at WHO. In other cases, tobacco company documents identify certain individuals as both tobacco company consultants and WHO consultants or advisors, but it is unclear whether the positions were held at the same time. Of greatest concern, tobacco companies, according to the documents, had in some cases their own consultants in positions at WHO and PAHO, paying them to serve the goals of the industry while working for WHO and PAHO. Some of these cases raise serious questions about whether the integrity of WHO decisionmaking has been compromised. All of them illustrate the need for rules requiring that current and prospective WHO employees, including consultants, advisors, and members of expert committees, disclose any ties to the tobacco industry.

a) Paying WHO Consultants or Advisors for Information or Services

The documents show that a number of tobacco company employees or consultants have also served as WHO consultants or advisors, sometimes simultaneously. The documents relating to Paul Dietrich and Gaston Vettorazzi suggest that tobacco-related activities may have been compromised, and separate case studies related to each of them have been included in this report. (See Chapters VI and VIII.)

Paul Dietrich had a long working relationship with members of the tobacco industry beginning in the 1980s and continuing through the early 1990s. He drafted articles and editorials attacking WHO, and argued that WHO should focus on prevention and treatment of communicable diseases, rather than "social" issues such as tobacco control. Dietrich also operated the Institute of International Health and Development (IIHD). IIHD appears to have received funding from tobacco

companies, through company contributions to Catholic University with which IIHD was affiliated and from Kraft, Philip Morris' food division, and to have worked with tobacco companies in several initiatives to discredit WHO's tobacco control programs.

In 1990, Dietrich was appointed to the Development Committee of PAHO, an organization that also serves as WHO's Regional Office for the Americas. During the period that he was on the committee, tobacco company documents indicate that Dietrich received consulting fees from at least one tobacco company. While at PAHO, according to the claim of a BAT official, Dietrich convinced PAHO not to list tobacco as a priority. A PAHO official disputes this. According to the documents, Dietrich arranged for PAHO sponsorship of a media program that tobacco companies used to distract attention from the 8th World Conference on Tobacco OR Health in Buenos Aires in 1992. The program did occur, although again PAHO officials dispute Dietrich's role. Although many tobacco company documents describe Dietrich's consulting relationship with tobacco companies, and even include bills from Dietrich to BAT, Dietrich denies any financial relationship with the tobacco industry, and denies any industry involvement in his articles attacking WHO. (See Chapter VI.)

Gaston Vettorazzi was WHO Secretariat of the Joint Meeting on Pesticide Residues (JMPR), a joint WHO and FAO standard-setting effort dedicated to pesticide safety issues. After retirement in 1988, Vettorazzi was hired by the Cooperation Centre for Scientific Research Relative to Tobacco (CORESTA), a tobacco industry research organization, for assistance in responding to a regulatory threat against a controversial class of tobacco pesticides called the EBDCs. During the early 1990s, CORESTA paid Vettorazzi over US$150,000 first to assess the EBDCs and monitor WHO and then to pass reports to WHO officials, work reviewing pesticides for WHO, and attend key regulatory meetings. Throughout this period, Vettorazzi hid his relationship with CORESTA from WHO officials. Although it is unclear how influential Vettorazzi's work was on JMPR's final evaluation, JMPR gave a favorable review to the EBDCs, which CORESTA hailed as a victory. (See Chapter VIII.)

Tobacco companies claim to have employed, or had links with, other WHO consultants and advisors. Documents indicate that David Patchett, Arthur Furst, Frank Sullivan, and Helmut Schievelbein all served both as tobacco company consultants and as WHO consultants. It is unclear whether this employment was simultaneous.

David Patchett was a consultant to WHO's Tobacco or Health Program in the early 1990s, where he was working on an evaluation of the economic impact of tobacco in several developing countries.[16] Shortly after Patchett left WHO, a document on crop substitution was published that Patchett wrote for the International Tobacco Growers' Association (ITGA), an organization largely funded by tobacco manufacturers and used by tobacco manufacturers to lobby on issues of interest to the tobacco industry. (See Chapter V.) An ITGA report from 1991 states:

> "the ITGA expects to publish later this year a helpful and comprehensive treatment of the crop substitution issue by David Patchett, an agricultural economist and consultant to the WHO."[17]

A later ITGA document says that "the two volumes emanating from the Patchett

work will stand us in good stead for some considerable time."[18] Patchett's tobacco company affiliations were known to at least some of the WHO staff with whom he worked.[19] The committee of experts does not know whether Patchett adversely influenced WHO tobacco control activities.

In 1979, Peter Lee, a tobacco company consultant (see Chapter IX), wrote a "strictly confidential" memo on Helmut Schievelbein, a "well known cardiologist, working as Director of the German Heart Centre in the Institute for Clinical Chemistry and Biochemistry of Munich University":

> "[Schievelbein] has close associations with the German industry. 15 years ago he was director of the Tobacco Research Institute in Hamburg . . . More recently he has been and still is a member of the Council of Smoking and Health set up by the Verband [a tobacco industry research organization in Germany] . . . He is not however a paid consultant to the Verband as I understand it.
>
> "[Schievelbein] is also a member of a WHO smoking and health group and attended the Stockholm World Conference in that capacity."[20]

Schievelbein's role as a WHO representative at the Fourth World Conference on Smoking and Health (a forerunner of today's World Conference on Tobacco OR Health) in Stockholm apparently assisted the tobacco industry. A tobacco company document describes the Conference as "very disappointing," but draws some consolation from the fact that Schievelbein "severely criticised the spirit of the conference," in a statement, lending support to the "impression that the smoking problem should not be over-dramatized."[21] The committee of experts has found nothing in the documents to suggest that Schievelbein compromised his views or activities due to his links with tobacco companies, although these links were of significance to the companies.

Frank Sullivan was a tobacco company consultant on smoking and health issues.[22] Sullivan participated in several tobacco company conferences and reports disputing the link between environmental tobacco smoke (ETS) and adverse health effects.[23] In May of 1992, Sullivan made a presentation at a Rothman's International Tobacco ETS Workshop, entitled "Alleged Effects in Pregnancy and on Young Children." (Other presentations at the workshop included "Smoke Needn't Get In Your Eyes", "Mortality Myths," "EPA [US Environmental Protection Agency] and the Misuse of Science," and "The Lung Cancer Controversy").[24] At the same time that Sullivan was assisting tobacco companies in challenging scientific data suggesting that ETS causes adverse health effects, tobacco company documents indicate that he was advising WHO. In a document describing the credentials of the workshop speakers, Sullivan is identified as "an adviser on Reproductive Toxicology to the World Health Organisation," as well as a "member of IARC".[25] The committee of experts has been unable to confirm that Sullivan did work for WHO/IARC as alleged, whether or not his background was made known to WHO/IARC, and whether this work involved tobacco. The tobacco company documents, however, demonstrate the importance to the companies of claiming to have to perceived sympathizers in positions of apparent influence.

Arthur Furst was a long-time tobacco company consultant, working on Council for Tobacco Research (CTR) Special Projects,[26] providing testimony before Congress to help defeat anti-tobacco legislation,[27] and testifying in lawsuits brought by smokers

that tobacco has not been shown to cause lung cancer.[28] A 1982 Tobacco Institute Newsletter quotes Arthur Furst's testimony at a Congressional hearing on cigarette warning labels:

> "A Congressional finding that 'cigarette smoking is the number one cause of lung cancer' implies a scientific certainty that I, as a scientist, believe to be unwarranted."[29]

Furst is identified in the newsletter as "a consultant to the World Health Organization and professor emeritus at Univ. of San Francisco,"[30] although, significantly, it is not claimed his role for the WHO had anything to do with tobacco. In this case, as in the case of Frank Sullivan, industry officials used Furst's WHO credentials to enhance his credibility. The committee was again unable to verify Furst's role as a consultant to WHO due to recordkeeping problems at WHO.

b) Maintaining Other Potentially Inappropriate Relationships with WHO Employees and Advisors

Tobacco companies also cultivated other relationships with WHO employees that may have compromised the integrity of WHO tobacco control activities.

Kees Van der Heijden, was the former director of a WHO Collaborative Center in the Netherlands, which participated in the analysis of data from the IARC ETS study (see Chapter IX). According to an internal Philip Morris memo, Van der Heijden agreed to give the introductory speech at a meeting held by Associates for Research in the Science of Enjoyment (originally Associates for Research in Substance Enjoyment or ARISE). Tobacco company documents suggest that ARISE is principally funded and controlled by tobacco companies.[31] ARISE's purpose is to promote the view that scientists believe that the pleasure provided by substances like tobacco, alcohol, and chocolate is beneficial to health, in fact, that "cigarettes, alcohol and chocolate are good for you."[32] According to a Philip Morris document, Van der Heijden also agreed to have a Philip Morris employee write his speech:

> "This is to confirm our dinner with the WHO Director Van der Heijden. . . Van der Heijden is aware of your position and background and is looking forward to the meeting. I met him last Friday to discuss his ARISE presentation which will take place next Monday. I have agreed to write his speech."[33]

According to the same memo, Van der Heijden provided Philip Morris with a draft report on the IARC ETS study.

> "During the meeting he gave me some documents which I think are of interest to you. Please find attached a draft WHO report on ETS. It is still a draft but it allows us to be prepared. . . As you can see this report is bad news for us."

According to an ARISE document, Van der Heijden's speech introduced the ARISE meeting and supported ARISE's view of the value of pleasurable substances:

> "It was very appropriate that the introduction to the whole meeting by van der Heijden, Director of the World Health Organisation in Bilthoven, should emphasize the beneficial role that pleasure has played for centuries and the ways that it has been important for maintaining personal wellbeing. He spoke from his own experiences with environmental issues in Eastern Europe and described the difficulties in those

countries. There, life is little more than a matter of survival with very little pleasure and, in his view, this was having a negative impact on health."[34]

The committee of experts has been unable to contact Van der Heijden, and he may dispute this account of events.

c) Employing Former WHO Officials or Promising Employment to Current WHO Officials

Tobacco companies have hired or offered employment to former WHO or UN officials to take advantage of their contacts within these organizations, with the goal of influencing WHO's tobacco control activities.

A former Assistant Director General of WHO, discussed, while still at WHO, an offer of employment to work in the Geneva office of a tobacco law firm. His job would be to help a major tobacco company "deal with" WHO's tobacco control activities. A Philip Morris report headed "World Health Organization" states:

> "The activities of the WHO in relation to the tobacco industry pose a very real and immediate threat. Recommendations to governments such as the recent WHO recommendation that taxation be used as a means of reducing smoking are potentially very damaging to us. Third world countries are particularly prone to accept recommendations from the WHO in Geneva and we have already had several examples (Venezuela, the Gulf States, Singapore, Malaysia) where the WHO has been able to reduce our ability to market.
>
> This year we plan to take a major new initiative with regards to the WHO. The Surrey & Morse law firm, now Jones and Day, is opening a law office in Geneva. The office will be headed up by Warren Furth, who is today an Assistant Director General of the WHO. Furth is well known to David Morse [a lawyer who worked with Philip Morris], Geoff Bible [of Philip Morris] and myself and, in fact, worked closely with all of us in the 60's when we all worked for the U.N. He is respected by people within the WHO, knows how it works and knows who is important. He will be invaluable in advising us as to how to deal with the organization."[35]

The former Assistant Director General did not, in fact, accept any offer of employment.

Gaston Vettorazzi was WHO Secretariat of the Joint Meeting on Pesticide Residues, a WHO/FAO committee. After retiring from WHO in 1988, Vettorazzi was hired by an industry organization to try to influence JMPR's evaluation of pesticides used on tobacco. A Philip Morris memo seeking funding for Vettorazzi's consultancy describes his value to tobacco companies:

> "He has retained excellent relations with his former colleagues of WHO, Geneva, who inform him readily about the results of relevant committee meetings and grant him free access to the WHO files. He was even asked to join the WHO pesticide meetings as an external expert and to prepare reviews of toxicological data of [sic] those compounds which is [sic] on the WHO agenda to be revised in due course."[36]

(See Chapter VIII.)

Bernard Dominik (Niki) Hauser was coordinator of Industrial Sector Advisory Group to the Secretary General of the

United Nations Conference on Science and Technology for Development. After leaving the UN, he was hired as a consultant by the International Consortium of Tobacco Companies (ICOSI) to help that organization learn "more about the weight of influence in relationships between the WHO and other organisations within or associated with the United Nations framework, e.g., the FAO" and to "assess whether there is anything that can usefully be done to influence any trends in such relationships which might be prejudicial to the tobacco industry."[37] Hauser used his contacts at FAO to obtain information and lobby FAO officials and delegates on the economic importance of tobacco in the developing world.[38]

2. Wielding Political and Financial Power to Influence WHO Policy

Tobacco companies have used their political and financial power to influence WHO's tobacco control activities. The industry has attempted to undermine WHO tobacco control activities by putting pressure on relevant WHO budgets and to gain favor or particular outcomes by making well-placed contributions.

a) Restricting or Diverting WHO Tobacco Control Budgets

On several occasions, tobacco companies have attempted to interfere with WHO budgets related to tobacco control activities.

In the late 1980's and early 1990's, WHO's Tobacco or Health Program (TOH) operated on a very small budget. One 1991 document prepared for BAT suggests that this may have been largely due to WHO's fear that the US, and other tobacco producing countries, would respond to pressure from tobacco companies and withdraw funding to WHO, if WHO's tobacco control activities were enhanced:

> "It would appear that WHO is unwilling to boost the [Tobacco or Health] programme significantly, either in terms of budget or status within the Organization for fear of offending its biggest budgetary contributor, the USA, whose pro-tobacco lobby is still powerful in Congress, a body that loses no opportunity to threaten the UN system with cuts in funding.
>
> "Several other big contributing member states such as Japan, Germany and the UK derive large sums of tax income from the sale of tobacco products, and . . . would not be ready to accept large-scale attacks on the tobacco industry."[39]

There is also evidence that one tobacco company explored avenues for cutting TOH's extrabudgetary funding. According to the 1991 document prepared for BAT, the importance of TOH's extrabudgetary funds was clear:

> "The programme's budget from regular sources is minuscule – US$ 80,000 a year, hardly enough to pay for two secretaries. An additional US$ 500,000 has been received this year from one private benefactor, the Sasakawa Foundation (JSIF) of Japan."[40]

Later, the same document observes:

> "The TOH programme, unless it receives massive external funding, is likely to remain fairly small and insignificant in terms of WHO's priorities and resources. . . Unless the programme can recruit up to ten professionals, it is unlikely to reach a stage of critical mass where it

begins to achieve the substantial international impact as other WHO programmes such as Immunisation, Essential Drugs etc."[41]

Philip Morris sought to undermine TOH by restricting the extrabudgetary funds used to run the program. The majority of TOH's funding (approximately US$600,000 per biennium) came from the extrabudgetary source identified in the BAT document above: the Japan Shipbuilding Industry Foundation (JSIF) (also known as the Sasakawa Fund).[42] A 1989 document describes Philip Morris' knowledge of the money received by TOH from the JSIF and sets forth Philip Morris' plan to explore "a variety of avenues . . . [for] containing [TOH's] funding from private sources."[43]

In 1993, TOH learned that its share of the JSIF fund would be cut from US$600,000 to US$300,000 per biennium for 1994-95. In 1995, TOH's share of the fund was eliminated entirely for the 1996-97 biennium.[44] These funds were shifted to WHO's leprosy program. TOH staff members were never told why the funds had been shifted.[45] The committee of experts has not been able to discover whether TOH's loss of funds was caused or influenced by the tobacco industry. A review of WHO's budget files and records of Executive Board meetings was attempted but found to be unfeasible because many of the relevant files had been destroyed and others were not searchable due to inefficiencies in WHO's tracking system.[46]

Tobacco companies also explored means to curtail funding for the IARC ETS study. A tobacco company document detailing its strategy for canceling or delaying the study includes the following plan:

"Identify key national Government influence points within the 16 IARC donor countries; establish the feasibility for generating pressure for reorientation/reprioritization of IARC priorities/budget allocations."[47]

Based on intelligence that IARC was dealing with a "strangled budget," industry officials also believed they had a "window of opportunity" to persuade IARC's new director to reorient the agency's priorities away from the ETS study.[48] The tobacco companies were not, however, successful in influencing IARC's budget, either through the agency's donor countries or through its director.[49] (See Chapter IX.)

b) Using Financial Contributions to Gain Access and Influence

Tobacco companies have used their resources to gain influence at WHO headquarters and in Regional Offices. Recognizing that their relations with WHO were usually confrontational, and that they had little or no direct influence on WHO decisionmakers, tobacco companies attempted to gain favor and influence at WHO through philanthropic contributions.

In 1971, Philip Morris proposed to fund a WHO vaccine program in Guatemala. Philip Morris viewed the contribution as "an opportunity to penetrate the bureaucratic structure of WHO" that could result in "gaining some foreknowledge of developing attitudes [toward tobacco] or action proposals or perhaps even exerting some minor influence on the resolution of specific scientific issues…"[50]

In 1989, Philip Morris described plans to take advantage of strained budgets in WHO's Regional Offices, using contributions to develop relationships with WHO staff. The document states that Philip Morris established a contact in a WHO

Regional Office by contributing to one of that office's programs, and urges exploration of similar tactics in other Regional Offices:

> "We should explore the feasibility of developing relationships with the regional offices of the WHO which act relatively autonomously and are always looking for additional funding. Through one of our corporate contributions to a programme for the handicapped in the PRC [People's Republic of China], an initial good contact was established within the regional WHO office."[51]

In 1995, Philip Morris contributed US$5,000 to a task force advising WHO on the safety of anethole, a food ingredient also used in tobacco.[52] The task force reviewed existing data and conducted new studies. (The task force was obliged to raise a total of US$600,000 from outside sources to complete its work.[53]) In 1996, the anethole task force exempted tobacco from its consideration, stating that anethole's use in tobacco (and in oral care products) would not be considered a form of consumption.[54] Thus, when the task force found that there was a safe daily intake level for anethole, exposure to the compound from tobacco use was not considered.[55] The committee does not know whether the tobacco company's contribution affected the task force's decision to exclude exposure to anethole from tobacco from its consideration.

BAT contributed money and services to a WHO food safety and hygiene program to establish a foothold within WHO from which it might "moderate" WHO's tobacco control activities. Working through the Industry Council for Development (ICD), BAT helped develop the food safety and hygiene program to help stem the spread of cholera in the developing world.[56] BAT described what it hoped to gain from its contributions:

> "[T]o establish a point of dialogue with WHO which is otherwise very hard to do because of the strong presence of tobacco industry critics. . . this programme will continue to expand the opportunities for BATCo to constructively participate in health issues that may relate to smoking from the inside of the organisations rather than the outside. By doing so it is expected that the regulations of environmental smoking and other so called emotional restrictions on smoking can be moderated."[57]

3. Using Other UN Agencies to Influence or Resist WHO Tobacco Control

Tobacco companies have attempted to use other UN agencies to gather information about WHO's tobacco control activities and to interfere with or resist WHO's tobacco control policies. Most of the tobacco companies' efforts appear to have focused on the FAO, but the documents also reveal attempts to influence other UN agencies, including the World Bank, and the United Nations Conference on Trade and Development (UNCTAD).

a) The Food and Agriculture Organization

The FAO has historically had a collaborative relationship with tobacco companies because of FAO's interest in promoting profitable, legal agricultural enterprises. Although the FAO made occasional statements, beginning in the 1980's, supporting WHO's tobacco control initiatives, industry officials continued to believe that they were successful in lobbying FAO to issue papers and statements opposed to WHO throughout the 1980s and early 1990s, when the documents end.

Once labeled by an industry group as their "natural ally,"[58] tobacco companies saw FAO as a pressure point against WHO and often lobbied FAO and its delegates in the 1970s, 1980s, and 1990s to take pro-tobacco positions.[59] Beginning in 1980, however, the traditional co-operation between tobacco companies and FAO became less reliable, as FAO seemed to shift toward an alliance with WHO on tobacco issues. That year, a report from ICOSI observed that a "Progress Report by the WHO Director-General emphasised the collaboration that had been established with the FAO and the Annex to this report was a statement by the FAO supporting strongly the WHO's work to discourage smoking and laying emphasis on its reduction of tobacco projects."[60]

The following year, however, ICOSI concluded that the shift might not be significant, at least at the staff level:

> "[T]he WHO pressures on the FAO had not produced such a serious change in the FAO's attitude towards tobacco growing as had been suggested in public statements made by FAO officials. During . . . personal contacts [with FAO staff], it has become clear that some FAO officials would welcome more information from the tobacco industry and the DCG agreed that this opportunity should be followed up…"[61]

A 1983 report by a tobacco company consultant responsible for monitoring "institutional dynamics"[62] at the 5th World Conference on Tobacco OR Health suggested that FAO and WHO continued to have disagreements about tobacco control policies:

> "There were some indications of tensions within the UN system. WHO continues to be the spearhead of the anti-smoking cause within the system, but the response from other UN agencies, notably FAO, may be less than satisfactory from the anti-smoking viewpoint. I take it that there are good political reasons for this."[63]

Tobacco company representatives continued to lobby FAO and its delegates to resist WHO tobacco control programs throughout the 1980s. They believed that they had found a receptive ear.[64] FAO remained useful to tobacco companies in their fight against WHO tobacco control policies, and to work co-operatively with the industry in promoting the economic importance of tobacco. An industry group published a "leaf tobacco monograph" in 1981, which "[b]y selective placement of copies of the condensed version in developing countries," was used:

> "to stimulate objections to current WHO pressures on the FAO by national delegations from developing countries attending the FAO Council Meeting on November 5th/6th and the FAO Biennial Conference on November 7th-26th, both of which are being held in Rome."[65]

This document suggests that industry officials may have worked with FAO officials to disseminate of the industry report:

> "(a) <u>FAO</u>
>
> "Messrs. Mylona and Hauser are keeping in touch with their contacts in such matters as the placement of the EIU condensed version."[66]

A tobacco company report suggests that FAO and ILO put pressure on WHO not to send the Director General to the 5th World Conference on Smoking and Health in 1983:

> "It is likely that Mrs. Klein of the FAO was under pressure not to attend in order to avoid a clash with the WHO. This is possibly also one of the reasons why Halfdan Mahler, Director-General of WHO, failed to appear at the conference. Ostensibly, he was on a formal visit to the two newest member states of the WHO . . . Other reasons given for his absence were pressure from the industry through FAO and the ILO, which is concerned about unemployment."[67]

On at least two occasions in the early 1980s, FAO issued papers that were used by tobacco companies as evidence that the economic importance of tobacco could be more important than its health consequences. One of these was a 1983 FAO article entitled "Tobacco is too profitable to curb growing."[68] Another 1983 FAO publication, called "The Economic Importance of Tobacco," was also widely used by tobacco companies to support resistance to tobacco control policies in the third world.[69] A tobacco company document suggests that FAO and industry officials shared information supporting papers on the economic importance of tobacco.[70] Industry officials also maintained contacts within FAO, who provided information about WHO's tobacco control activities.[71]

In 1986, the WHO Executive Board passed a resolution calling on other UN agencies to support WHO in its tobacco control activities, and particularly to help member states identify alternatives to tobacco growing. The resolution was understood to be especially directed at FAO and the World Bank.[72] Industry officials nevertheless continued to lobby both FAO officials and FAO delegates in developing countries to resist tobacco control policies.[73] Tobacco company lobbying apparently remained effective:

> "In 1989, intensive lobbying in Rome caused the FAO to publish, despite the WHO's vigorous objection, important reports on the economic significance of tobacco and on tobacco trade projections."[74]

A 1991 ITGA document suggests that FAO had by then become less active in promoting tobacco growing:

> "The FAO is unlikely to become involved in any further direct work on the economic significance of tobacco, nor on demand projections, at least for the foreseeable future. It will remain willing to assist individual governments who specifically request help with tobacco crop substitution programmes but is unlikely to initiate any programmes of its own."[75]

The same document reveals, however, that tobacco companies, through their apparent front organization, the ITGA (see Chapter V), continued to believe themselves successful in lobbying FAO to undermine WHO:

> "The primary focus of the agro-tobacco lobby effort has been at the WHO and the FAO. Support generated for the farmers' case, particularly amongst African and Latin American representatives to these agencies, has been reflected in . . . significant developments in both UN agencies… [M]obilisation of support amongst key Permanent Representatives to the FAO has ensured the publication of two seminal studies on tobacco. In addition to adding further authoritative substance to the growers' case, *the FAO reports' prognosis of increasing demand for tobacco through to the year 2000, severely embarrassed the WHO and its*

ambitions for the Tobacco or Health programme.

"The success of these lobbying efforts has built upon relationships and tactics developed over a number of years."[76] [Emphasis added.]

The ITGA planned to continue using its FAO contacts to fight WHO:

"Objectives: 1. To ensure that the FAO continues to support the fundamental values of tobacco growing.

"2. To secure Special Observer status for the ITGA with the FAO.

"Strategy: To maintain contact with key managers within the FAO and amongst the Permanent Representatives in Rome who have supported the lobby hitherto. To satisfy FAO requirements regarding official recognition of the ITGA by increasing the Association's membership and seeking to collaborate with the FAO on issues of common interest."[77]

A 1993 document suggests that FAO was temporarily less receptive to ITGA's lobbying efforts:

"[ITGA's] request to give wider publication to the work on tobacco curing barn design . . . and to generally assist with the promulgation of the results has not received an enthusiastic response from the FAO even though the Organisation does not have the funds to undertake a proper publication. It is hoped that ITGA Chairman will visit the FAO during the year to pursue these matters further."[78]

In 1994, however, FAO appeared to be again supporting the position, pushed by tobacco companies, that the economic importance of tobacco might outweigh its health effects. According to an ITGA document on a meeting of the UN "focal point" on tobacco:

"The FAO made a statement which includes the following assertion: That 'poverty and malnutrition may be linked to greater health risks for a larger number of people (particularly in developing countries) than tobacco.' This is a point which we have made directly or indirectly in all the major ITGA publications. They also said: That 'any rapid movement (to reduce tobacco production) would not only be impracticable but would probably lead to a serious dislocation of economic resources in the countries concerned.' And That: 'it (the FAO) reserves the right to recommend development of tobacco in such cases where the overriding economic considerations so warrant.' All in all, I would suggest, this is not a bad outcome. It looks as though we have the FAO 'on side', at least to the extent that we could reasonably expect."[79]

In the most recent document found by the committee of experts, an industry official lauded a "balanced" study issued by FAO in 1994 on tobacco, which the official contrasted favorably with WHO's tobacco control positions.[80]

b) Pressuring or Using Other UN Agencies to Resist Tobacco Control Policies

Although to a lesser degree than FAO, tobacco companies also attempted to pressure other UN agencies to resist WHO tobacco control policies.

(1) The World Bank

The World Bank's tobacco-related activities were also the focus of tobacco

company attention.[81] Like FAO, the World Bank had, at least until the 1980s, helped developing countries expand their tobacco production.[82] In the mid 1980s, WHO began to encourage the World Bank to reduce its assistance to governments wishing to expand tobacco farming.[83] In 1991, perhaps in response to pressure from WHO,[84] the World Bank issued a guideline stating that "[i]t does not behoove the Bank Group, given our concern with human welfare, to support activities (eg import, production) which lead to increased use of tobacco products."[85] However, a BAT document suggests that industry officials found opposition to the guidelines within the World Bank:

> "Further investigation into the World Banks [sic] suggests that many Agriculturists and Economists are opposed to these guidelines. The World Bank, as the guidelines indicate, intend to introduce these measures quietly. It has even been suggested to us that 'important tobacco growing countries will be exempt' eg. Zimbabwe and Malawi."[86]

BAT responded to the World Bank's policy by initiating a plan to:

> "Develop and maintain network of contacts in identified international organisations with special emphasis on World Bank/IMF, FAO and ECOSOC…
>
> … *Delay, cancel, ameliorate and dilute any interference from international organisations such as those listed above*."[87] [Emphasis added.]

By 1992, a majority of BAT managers reported that no World Bank subsidies were being received. Analyzing the impact of the new World Bank policy on tobacco, BAT concluded that:

> "The World Bank policy will have no immediate effect.
>
> "Although the World Bank tobacco policy will have a minimal impact, the domino effect relating to other international agencies could have a dramatic impact on Tobacco related projects in BATCo operating countries. Local banks, development agencies and EC [European Community] subsidies are often quoted as sources of funds. If they adopt a policy similar to the World Bank we have a major problem.
>
> ". . .There is a general lack of information concerning the World Bank and their policies."[88]

The report set forth the following objectives:

> "1. Establish contact with the World Bank and other international agencies. Objective: develop contacts and confirm position on tobacco.
>
> "2. Finalise Minster report and develop plan for distribution and exposure of the reports and their key points. Objective: to heighten awareness of the positive impact of tobacco in the third world (and particularly, Africa)."[89]

The documents reveal extended efforts by industry officials to lobby the World Bank. In 1993, R.S. Hartley, a BAT official, wrote that BAT tried to establish contacts within the World Bank headquarters, after World Bank representatives in Uganda refused funding for tobacco-related purchases,

> "In 1992 Brendan Brady [BAT] and I visited both the IMF [International Monetary Fund] and the World Bank in

Washington with a view to establishing relationships. With the benefit of hindsight, we probably did not meet people of sufficient seniority and in any event the people we met were subsequently moved to other positions.

"I believe the time has come for us to have a concerted and concentrated programme to establish working relationships with the decision makers in Washington to at least get our message across and hopefully influence their decisions."[90]

Tobacco companies also lobbied the World Bank through the ITGA. In 1995, the ITGA reported that "the ITGA Secretariat is pursuing, at the 'international' level of influence, relevant contacts in agencies such as UNCTAD, the World Bank . . ."[91] It does not appear from the available documents that industry officials had any notable successes in its more recent attempts to convince the World Bank of the economic importance of tobacco.

(2) United Nations Conference onTrade and Development (UNCTAD) and the U.N. Economic and Social Council (ECOSOC)

Tobacco companies attempted to use UNCTAD and ECOSOC to resist WHO tobacco control.[92] As noted above, in 1992, BAT initiated a plan to "delay, cancel, ameliorate and dilute any interference from international organisations such as the [World Bank/IMF, FAO, ECOSOC]."[93] However, when the UN established a "focal point" for tobacco issues within UNCTAD, in ECOSOC, industry representatives appeared pleased, believing that the new arrangement would allow tobacco companies to make its arguments about the economic importance of tobacco to a more receptive audience. The ITGA reported that it:

> "has continued to consolidate its authoritative position as the international representative of tobacco growers and, in particular, has established a collaborative working relationship with ECOSOC's 'focal point' at UNCTAD. This has been achieved through a number of meetings with officials engaged in developing that agencies position in relation to the ECOSOC resolution and by providing relevant information. Contact has been established with Raul Uranga, in charge of the 'focal point', who is to be invited to the ITGA's General Meeting in Canada in November."[94]

In 1994, the ITGA reported further on its relationship with UNCTAD and Raul Uranga, an Argentinean and senior policy advisor in UNCTAD:

> "We've flushed out a number of interesting dispositions and have, I believe, identified a considerable lack of interest in [tobacco control] amongst the major UN players. Such interest as there is – beyond the WHO, that is – will not be translated into profound action due to lack of financial resources. We must, however, not become complacent – a great deal needs to be done to consolidate our position and I shall be offering some thoughts on how we might do this a little later on. *The ITGA's relationship with UNCTAD and the "focal point" is now well established due to the considerable efforts that David has made to get alongside not only Sr. Uranga but also those in UNCTAD engaged in writing the long-awaited report.*

"He has been able to provide valuable information to the "focal point" and I believe that we now have a reasonable influence with the key players in Geneva."[95] [Emphasis added.]

The committee of experts did not interview Uranga and does not know whether the documents accurately reflect the tobacco companies' relationship with him.

The last available document, from 1995, suggests that the ITGA continued to enjoy some degree of co-operation from ECOSOC and UNCTAD:

"3. Alternative Crops

It is timely to revisit this theme, and the UN's Focal Point, within UNCTAD, has shown interest in a collaboration. An advantage of this would be to attach a high degree of credibility to the analysis, and thus preclude the normal rubbishing process applied by anti-tobacco campaigners to pro-tobacco material. It is self-evident that even if present tobacco farmers switch to other crops, for whatever reason, any demand for leaf tobacco will be met from alternative sources, probably in other countries , and at lower cost.

"UNCTAD are interested, it appears, in joint work . . ."[96]

This joint work on tobacco alternatives apparently never materialized. Soon after the Tobacco Free Initiative was established at WHO, primary responsibility for tobacco issues was returned to WHO in 1999.[97]

(3) International Labour Organization (ILO)

Philip Morris orchestrated a campaign to keep the International Labor Organization (ILO) from adopting WHO's tobacco control campaign. The campaign's principal focus was to convince trade organizations and labor and management leaders within ILO's governing body to resist those policies.[98] (See Chapter IV.)

4. Using WHO Regional Offices to Influence WHO Activities

According to tobacco company documents, tobacco company consultant Paul Dietrich, who was also a member of the Pan-American Health Organization (PAHO) Development Committee, planned to obtain funding for a media program that was actually designed by tobacco companies to undermine the 8th WCToH. The documents show that industry officials intended to distract attention from the 8th WCToH and to embarrass those who argued for spending on smoking and health issues, by focusing attention on the urgent need for childhood immunization. The plan described by Dietrich in tobacco company documents called for media campaigns on the importance of childhood vaccinations and AIDS in Latin America.

The campaign was to be staged just before the 8th WCToH, to allow the tobacco companies to make the point to journalists "that Latin American countries should not be spending money on tobacco programmes when a large proportion of children die from easily preventable diseases."[99] PAHO agreed to fund the media campaign on childhood immunization, as proposed by the PAHO Development Committee. Although PAHO did produce a television special on childhood immunization, there is no evidence that PAHO knew that the programs were intended to undermine the 8th WCToH. It is difficult to determine whether the media campaign occurred as described in the documents. Dietrich claims that he was involved in producing the PAHO television special, but that the industry was not

involved. PAHO disputes that Dietrich was involved. (See Chapter VII.)

5. Discrediting WHO or WHO Officials to Undermine WHO's Effectiveness

Tobacco companies have found it useful to attack WHO and its officials in the media through surrogates. Many of these attacks do not mention tobacco control and appear to be designed to weaken WHO's overall credibility as an institution. Others condemn WHO's priorities in a manner that is clearly designed to discredit WHO's tobacco control programs.

Paul Dietrich, a tobacco company consultant, generated a series of editorials and other articles attacking WHO's officials, priorities and management in the late 1980s and early 1990s. (See Chapter VI.) For example, one piece written by Dietrich, "WHO spends money on WHAT?" argued that WHO was misspending its budget on bureaucracy and programs that did not benefit member states. This spending, according to the article, was done at the expense of more urgent public health needs, particularly in developing countries, such as prevention of malaria and other communicable diseases. Although tobacco was never mentioned, the article emphasized that WHO is funding programs related to legislative and social agendas rather than direct health care, and that WHO headquarters in Geneva is out of touch with member states' needs.[100]

These editorials and articles were published under Dietrich's name without disclosure of his tobacco company ties. The pieces were generally published just before the World Health Assembly or at other strategic times designed to embarrass WHO before a major event.[101] Tobacco companies would "merchandis[e]" some of the articles,[102] by disseminating thousands of copies to government officials and opinion leaders, and generating editorial pieces around the world.[103] Dietrich also published a journal, *International Health and Development*, which included articles criticizing WHO and describing the importance of tobacco for developing economies. One such piece, a letter to the Editor by Dr. H. Ntaba, "Chief of Health Services, Government of Malawi," argued that:

> "the list of economic benefits of tobacco is a long one. Tobacco related deaths and illnesses are primarily problems of affluent societies. The Tobacco or Health Programme of the World Health Organisation (WHO) would transfer to tobacco dependent poor countries as many or more deaths and illnesses ascribable to the poverty caused by the loss of income from tobacco."[104]

The magazine did not disclose that Ntaba's family owned a tobacco farm in Malawi. Philip Morris also distributed thousands of copies of this journal.[105]

Based on the documents found, there is evidence that Dietrich may have been used by tobacco companies to make presentations to government officials criticizing WHO. He was presented as an independent expert. In 1991, for example, Dietrich's primary BAT contact proposed a tour of African countries to "[question] the WHO's priorities in the region":

> ". . . I have been talking to the industry about the possibility of questioning the WHO's priorities in the region. . .
>
> "Basically the industry would be interested (at some stage in the near future yet to be determined) in having you do a tour of South Africa, plus the

neighbouring countries of Botswana, Namibia, Lesotho, etc. They would be interested in South Africa in having presentations made to the Ministries of Health and Finance, as well as constitutional advisers and regional/black governments.

[BAT's companies in South Africa] understand that this should be totally independent of the industry and I would like to discuss with you, (a) whether you would be prepared to do this and (b) if so, what platform/excuse you could use for your visit."[106]

After Dietrich's relationship with BAT ended, Robert Tollison, a US economist, began writing similar attacks against WHO.[107] Tollison's ties to BAT were again not disclosed in his by-lines.

Tobacco companies have also staged elaborate media seminars for journalists in the developing world to promote the tobacco companies' views on smoking and health. These programs have generally included an "independent" expert, such as Dietrich or Tollison, who would attack WHO, using many of the same arguments presented in the articles described above.[108]

6. Influencing WHO Decisionmaking Through Surrogates with Tobacco Companies' Role Concealed

In part because their own credibility with WHO is extremely limited, tobacco industry have frequently used surrogates in their attempts to influence WHO's tobacco control activities.

a) Front Organizations

Tobacco companies have created and used a variety of front organizations to lobby and take other actions against tobacco control at WHO. One of the most prominent of these is the International Association of Tobacco Growers (ITGA), which was transformed from an underfunded and disorganized group of tobacco farmers into a highly effective lobbying organization, with the financial and administrative assistance of tobacco companies:

"By providing the resources necessary to transform the ITGA from an introspective and largely ineffectual trade association to a pro-active, politically effective organisation, the industry created the opportunity to capture the moral high ground in relation to a number of fundamental tobacco-related issues."[109]

Industry officials explicitly recognized ITGA's use as a front organization whose ostensible "independence" from tobacco manufacturers could be used to the industry's advantage:

"The ITGA could front for our third world lobby activities at WHO."[110]

As this document explains elsewhere, ITGA "might get fully accredited observer status at the FAO… Its integrity and independence are of great potential value, both at NGO and regional level."

ITGA was used to support lobbying efforts before the WHA in May 1991 "to promote the tabling of an additional Resolution"[111] on the TOH program. Again the following year, ITGA prepared to lobby the WHA on the activities of the TOH Program:

"Prepare briefings and national lobby programme for 45th World Health Assembly.

> "Lobby ambassadors in Geneva re: Tobacco or Health programme debate."[112]

As noted above and below in Chapter V, ITGA was also used to lobby FAO, the World Bank, and UNCTAD to oppose or undermine WHO tobacco control activities.

Tobacco companies have also used a variety of other front organizations and insitutions that appear independent but receive significant tobacco company funding, to undermine tobacco control activities at WHO, including the Center for Indoor Air Quality (CIAR) (see Chapter IX), the Institute for International Health and Development (IIHD) (see Chapter VI), ARISE (See Chapter III.B.1.b), and LIBERTAD (see Chapter IV). The committee of experts has been able to undertake only a limited investigation of the activities of tobacco companies. The committee has found such a considerable body of evidence pointing to use of other organizations with undisclosed relationships to tobacco companies, that is it likely that the committee has identified only a small proportion of the organizations that have such undisclosed relationships. Because of the critical importance of understanding whether organizations dealing with WHO have such relationships, the committee of experts has recommended that WHO encourage and support efforts to identify and publicize the roles of third-party front groups and other organizations acting under the influence of the tobacco industry.

b) Delegates of Member States

Tobacco companies have been engaged in a longstanding campaign to lobby developing countries to resist WHO tobacco control resolutions on the grounds that their economies depend on tobacco and that they have more urgent health concerns that WHO should focus on. (See Chapter V.) Tobacco company documents suggest that, as a result of this campaign, delegates to the WHA from developing countries have, in growing numbers, resisted tobacco control resolutions from that body. For example, in 1986, the documents show that tobacco company officials believed they were successful in convincing the Brazilian ambassador in Geneva to lobby PAHO on their behalf:

> "The Brazilian Ambassador in Geneva, attached to the various organizations which operate in that city, was of great help. Apart from obtaining his conviction to our cause, he was able to indicate additional steps…One of these steps was to put our economic and social case to the Director General of the Pan American Health Organization…[who] appeared convinced that any move [towards]. . .reducing or eliminating tobacco could only take place after far more extensive studies on how to get around the negative social and economic impact which the decision of the WHO Assembly [sic] would have, particularly in the tobacco producing countries. His concern…would be strongly expressed by him to the Director General of WHO. He confirmed to us…that this took place."[113]

c) Food Company Affiliates

Tobacco companies have also attempted to use its affiliated food companies to gain influence in WHO. In the Boca Raton strategy documents (see Chapter IV), Philip Morris proposed using Kraft and General Foods to find "neutral ground" from which to establish relationships within WHO and FAO. Options considered by Philip Morris included: (1) using the General Foods World Food Prize to "forg[e] alliances" and "possibly receive NGO status with the

FAO;" (2) contributing, through General Foods, to nutrition education programs to "provide an access to health groups not normally predisposed to tobacco interests and to some of the WHO NGOs concerned about this issue;" and (3) placing a Kraft or General Foods official in the WHO Food Safety Bureau for which WHO, in response to a WHO request for a "donated" industry expert.[114]

d) Other organizations

A 1982 INFOTAB document reveals tobacco company plans to use trade unions to resist ILO tobacco control policies:

> "Ely commented [that] the ILO continues to produce anti-smoking resolutions which could prove to be problems for the industry when labor parties come to power. Ely recommended contacts to trade union leaders to urge defeat of anti-smoking resolutions now routinely passed at International conferences. Covington suggested it might even be possible to get some national trade unions to pass a resolution protesting government anti-smoking activities similar to the US AFL-CIO resolution."[115]

In 1989, Philip Morris was again attempting to fight the "incorporation of ILO into WHO Anti-Smoking Program." A Philip Morris official was ordered to "take urgent steps to contact Worker/Employer leaders of these groups in the ILO Governing Body."[116]

7. Distorting WHO Research

Tobacco companies have a long history of distorting science to oppose restrictions on tobacco. Many of the tactics the tobacco companies have used for decades to manipulate the scientific and public debate about the effects of tobacco on health have also been used against WHO. These tactics include secretly funding "independent" experts to conduct research, publish papers, appear at conferences and lobby scientific investigators. Tobacco companies have also attempted to promote scientific standards that would prevent regulatory authorities from relying on certain WHO studies, and to establish scientific front organizations to criticize WHO studies. Finally, tobacco companies have manipulated media accounts of the results of an important WHO study by misrepresenting the results of the study, and misrepresented a tobacco company-funded conferences as a WHO conference.

a) Secretly Funding Speakers at WHO Conferences

Tobacco companies have attempted to influence the tone and content of WHO-sponsored scientific conferences by paying "independent" scientists to attend and present papers. For example, Japan Tobacco Inc. (JTI) planned to pay 40 scientists to "present 'neutral' papers" at the 6th World Health Conference on Smoking or Health held in Japan in 1987.[117] JTI calculated that the 40 scientists they would plant at the conference would exert significant influence:

> "J.T.I. is trying to change the very nature and tone of the conference through these efforts."[118]

INFOTAB, too, planned to encourage the submission of papers favorable to tobacco companies to the 6th WCToH.[119]

JTI also planned to get a scientific foundation controlled by tobacco companies (SRFS) involved as a member of the Academic Committee for the conference, to

permit JTI to participate in the screening of papers for the conference:

> "If the SRFS can send members to this committee, 'neutral' papers could be submitted to the conference."[120]

b) Holding Scientific Symposia to Promote Pro-Industry Positions, with Tobacco Companies' Role Concealed

As part of its campaign to undermine the IARC ETS study, tobacco companies arranged for several symposia on ETS at which speakers chosen for views consistent with the tobacco companies' position would present papers. Tobacco company sponsorship of some of these symposia was concealed or minimized. Some of these conferences were primarily sponsored by tobacco company front organizations, such as Healthy Buildings International and CIAR.[121] The views expressed at the symposia were disseminated by tobacco companies as "independent" scientific viewpoints.[122]

c) Misrepresenting Tobacco Company Work as WHO-Supported

In an apparent attempt to enhance the credibility of a tobacco company-sponsored ETS conference, industry officials widely misrepresented the conference as WHO-sponsored, based on the attendance at the conference of a single WHO official.[123]

d) Using "Independent" Consultants with Concealed Tobacco Company Ties to Lobby WHO Scientists

Echoing its use of front organizations as surrogates, tobacco companies have used outside scientists with concealed tobacco company ties to approach and lobby WHO on scientific questions related to tobacco.

(1) Contacting WHO Study Scientists to Influence Study Results

As part of their plan to undermine the IARC ETS study, tobacco companies set out to establish contacts with the study investigators and collaborators.[124] With some exceptions,[125] the tobacco companies arranged to have contacts made through outside scientists acting as tobacco company consultants.[126] The tobacco company affiliation of the consultants who contacted the IARC investigators was frequently concealed.[127] These contacts with IARC scientists were to be used to gather "the best information about the status and likely findings of the study,"[128] convince study investigators of the weaknesses of the IARC study,[129] and, ultimately, achieve "the objective of no report or a report which draws mild conclusions from its data."[130]

Through their contacts with IARC investigators and collaborators the tobacco companies were successful in gaining a large amount of information about the design and conduct of the study. More importantly, they were able to gain confidential information about preliminary study results and about how the study was likely to be interpreted. The tobacco companies were not able to influence the outcome of the study, however. (See Chapter IX.)

(2) Presenting Tobacco Company Arguments Through "Independent" Scientists with Concealed Tobacco Company Ties

Tobacco companies' scientific consultants have also lobbied WHO on scientific issues without revealing their

tobacco company ties. For example, Peter Lee, a tobacco company consultant, wrote to the Director-General of WHO,[131] apparently at BAT's request, providing a lengthy criticism of a WHO study of mortality from tobacco use. In his letter, Lee described himself as "an independent statistician/epidemiologist who has followed the literature on smoking and health very closely for over 20 years." He did not disclose any tobacco industry affiliations.[132]

e) Compromising Independence and Credibility of WHO Studies by Involving Investigators in Tobacco Company Research or Activities

Tobacco companies, through their front organization CIAR, attempted to involve IARC and its investigators in collaborative ventures. These ventures included (1) using IARC investigators to conduct studies on ETS confounders that could be used by tobacco companies to challenge the IARC study, (2) offering research grants to IARC investigators, and (3) offering to put an IARC investigator on CIAR's advisory board.[133]

According to the study coordinator, IARC itself did not pursue any proposed collaboration once IARC became aware of CIAR's tobacco company connections.[134] One IARC collaborator did, however, conduct a study for CIAR on confounders. The tobacco companies' purpose in using an IARC collaborator was almost certainly to undermine the IARC study results by attempting to produce evidence, under the name of one of IARC's own investigators, that would undercut the study. (See Chapter IX.)

f) Funding and Promoting Counter-Research

Tobacco companies conducted and publicly promoted a large number of studies, conferences, and literature reviews on ETS that were designed to challenge the validity of the IARC ETS study. These activities were generally carried out through third parties to create the appearance that the data and opinions were independent of tobacco industry influence. (See Chapter IX.)

The data from these studies were used successfully by industry officials when the IARC study results were released to cast doubt on the study. For example, the *Sunday Telegraph* cited the tobacco company-financed studies as evidence that:

> "Passive smokers inhale the equivalent of just six cigarettes a year from other people's smoke, according to the largest ever study of actual exposure levels of non-smokers. The figure, which undermines previous warnings about the dangers of passive smoking, is a thousand times lower than that faced by direct smokers, and so tiny that it could not be measured statistically."[135]

g) Creating an Ostensibly Independent Coalition of Scientists

Tobacco companies sought to create an ostensibly independent coalition of scientists in Europe to help criticize the IARC study and other scientific studies used to support tobacco control policies.[136] Like The Advancement of Sound Science Coalition (TASSC) created by Philip Morris and a public relations firm in the US, the European group would appear to be independent but would be initiated and funded by tobacco companies and by other industries.[137] (See Chapter IX.)

The committee of experts was unable to determine the success of this plan. Ong and Glantz have reported, however, that the likely outcome of this initiative was the European Science and Environment Forum (ESEF),[138] although ESEF claims to receive little or no tobacco industry funding.[139] ESEF has listed on its website at least two working papers criticizing the IARC ETS study, and the methods used in ETS epidemiological studies.[140] Lorraine Moody, ESEF's "key contact,"[141] wrote an opinion piece in the *Wall Street Journal* claiming that the IARC study showed a possibly "trivial or nonexistent" risk of lung cancer from ETS, demonstrating that the health risks of ETS are overstated.[142] (See Chapter IX.)

h) Misrepresenting Scientific Studies to the Media and Regulators

The results of the IARC ETS study, released in 1998, showed that non-smoking spouses of smokers have an estimated 16% increased risk of developing lung cancer and that non-smokers exposed to ETS in the workplace have an estimated 17% increased risk of developing lung cancer.[143] IARC's reported results were consistent with the results of other ETS studies, showing an increased risk of lung cancer for nonsmokers exposed to ETS by a spouse or in the workplace.[144] However, there were not enough subjects in the study for the increased risk to reach "statistical significance," using common statistical methods (i.e., at the 95% confidence level).[145]

Shortly after the results of the IARC ETS study were released, BAT issued a press release stating: "New scientific research from the World Health Organization has shown the risk of lung cancer from environmental tobacco smoke to be either non-existent or too small to be measured at a meaningful level."[146] Thus, BAT claimed that the lack of statistical significance was equivalent to a finding that there was no relationship between ETS and lung cancer. These claims were picked up first by the *Sunday Telegraph* and then by other news outlets.

Despite subsequent clarifying statements from IARC and WHO about the study results, the misrepresentation of the study results in the BAT news release was repeated in media accounts around the world. Tobacco companies may also have distorted the IARC study results when addressing regulatory authorities. (See Chapter IX.)

8. Staging Media Events or Other Diversions to Discredit or Distract Attention from WHO Tobacco Control Activities

Tobacco companies planned a series of distractions from the 8th World Conference on Tobacco OR Health. These plans, at least some of which were carried out, included a media campaign just before the 8th WCToH, emphasizing the need for childhood immunizations; a major soccer game to distract attention from Jimmy Carter's arrival; training journalists to disrupt a press conference held by the conference organizers; and embarrassing US Senator Ted Kennedy by planting journalists to ask questions about drinking and sexual harassment allegations. (Chapter VII.)

One unattributed BAT document with the handwritten title "Dietrich/WHO" on the title page also planned an event, called the "Global Children's Health Conference," to "distract the media from extensive coverage of the May 31, 1990 International Anti-Smoking Day and the 1990 theme of Smoking and Children."[147] According to

the document, through the Institute for IIHD, run by Paul Dietrich (see Chapter VI), BAT would hold a conference for business and government leaders and launch a longer-term strategy to increase private funding for children's health issue. In describing the program strategy, the BAT document states:

> "The event will be staged to pre-empt the WHO May 31, 1990 International Anti-Smoking day. The conference can facilitate the development of a long-term initiative to counteract the WHO's anti-smoking campaign …
>
> "At no time during the event will the issue of smoking be addressed…
>
> "…Design the Conference to address primary health needs of children underscoring the 'real crisis'. Develop an oblique critique of WHO's anti-smoking campaign which identifies it as trivial when the global infants' and children's crisis is evaluated.
>
> "Introduce alternative solutions which, in the long-term, could successfully undermine the WHO's overall mandate."[148]

It appears that BAT did not carry through with this conference.

9. Systematic Surveillance of WHO Activities

Tobacco companies have carried out intensive monitoring of WHO and its Regional Offices to gather intelligence about its tobacco control programs.[149] Some of the industry's intelligence-gathering has been conducted openly, through attendance at open meetings and conferences and through open contacts with WHO and other UN officials. There is also evidence, however, that tobacco companies have secretly monitored WHO meetings and conferences,[150] had confidential WHO contacts,[151] and obtained confidential documents and information.[152] Examples of clandestine surveillance activities are described in several of the case studies. (See Chapters VI, VIII, IX.)

Notes

1. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5143. www.pmdocs.com. UQ 32846.
2. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5262. www.pmdocs.com. UQ 33561.
3. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6235. Guildford Document Depository. UQ 33691.
4. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5143. www.pmdocs.com. UQ 32846.
5. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047 at 3046. Guildford Document Depository. UQ 33162.
6. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.
7. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268. www.pmdocs.com. UQ 33561.
8. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. .2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.

9. *PMI Corporate Affairs Action Plan 1990.* November 2, 1989est. Philip Morris Companies Inc. 2500019979–9999 at 9980–9982. www.pmdocs.com. UQ 33558.

10. Sullivan J. *IARC Study.* September 2, 1993. Philip Morris Companies Inc. 2501117793–7797 at 7795. www.pmdocs.com. UQ 33603

11. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654119–4123. www.pmdocs.com. UQ 66.

12. Bloxidge JA. *International Tobacco Growers' Association (ITGA).* October 11, 1988. British American Tobacco Company. 502555415–5417 at 5417. Guildford Document Depository. UQ 33284.

13. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

14. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1986. Philip Morris Companies Inc. 2021596422–6432 at 6429. www.pmdocs.com. UQ 32834.

15. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268. www.pmdocs.com. UQ 33561.

16. Interview with Alan Lopez, Coordinator, Epidemiology and Burden of Disease, World Health Organization, May 4, 2000.

17. Oldman M. *[Letter to G Pedlow]*. March 13, 1991. British American Tobacco Company. 502555357–5363 at 5363. Guildford Document Depository. UQ 33278.

18. *Agro–Tobacco Services–Programme Review No1.* 1992. British American Tobacco Company. 502552606–2611 at 2609. Guildford Document Depository. UQ 33290.

19. Interview with Alan Lopez, May 4, 2000.

20. Lee PN. *Dr. Helmut Schievelbein*. August 9, 1979. Philip Morris Companies Inc. 2501159889–9891 at 9889. www.pmdocs.com. UQ 33717.

21. *Minutes of the Meeting of the Working Group of the E.E.C. Tobacco Manufacturers' Associations, Held in Luxemburg on 4th and 5th October 1979*. November 11, 1979. Philip Morris Companies Inc. 2501015083–5096 at 5088. www.pmdocs.com. UQ 33716.

22. Belcher P. *Scientific Committee on Tobacco and Health (SCTH*). February 9, 1994. Rothmans International. Philip Morris Companies Inc. 2024188905–8907 at 8905. www.pmdocs.com. UQ 33715.

23. *Independent Scientific Review of the Toxic Substances Board Report, May 1989, Summary, Commissioned by the Tobacco Institute of New Zealand*. 1989est. Philip Morris Companies Inc. 2504203558–3559. www.pmdocs.com. UQ 33535.

Collett C. *Memo to Ted Sterling re: International Symposium on Environmental Tobacco Smoke, November 3–4, 1989*. November 1989est. Philip Morris Companies Inc. 2062856942. www.pmdocs.com. UQ 33536.

24. *Rothman's International Tobacco ETS Workshop*. May 1992est. Philip Morris Companies Inc. 2501237099. www.pmdocs.com. UQ 33532.

25 . *Pen Pictures of Guest Speakers*. May 1992est. Philip Morris Companies Inc. 2501237101–7103 at 7101. www.pmdocs.com. UQ 33531.

26. S&H. *Re: Dr. Furst–Review of Non–Smoker Problem CTR Special Project*. 1976est. Lorillard Tobacco Company. 03747419. TDO Supersite at www.tobaccodocuments.org. UQ 33714.

27. *From the record before Congress, the Case for Defeat of S. 772*. 1983est. Tobacco Institute. TIMN 0353310–3320 at 3312. TDO Supersite at www.tobaccodocuments.org/. UQ 33729.

28. Purvis A, Johnson J. *Privileged and confidential attorney/client connumications. Trial Report, Summary/Testimony/Projection.* April 21, 1988. Philip Morris Companies Inc. 2025880540–0543. Bliley Documents at www.tobaccodocuments.org. UQ 33730.

29. *Tobacco Institute Newsletter*. March 12, 1982. Philip Morris Companies Inc. 515841024. Bliley Documents at www.tobaccodocuments.org. UQ 98.

Hoel D. *Confidential–For counsel only*. July 10, 1979. Philip Morris Companies Inc.

6267450002. Bliley Documents at www.tobaccodocuments.org. UQ 99.

30. *Tobacco Institute Newsletter*. March 12, 1982. Philip Morris Companies Inc. 515841024. Bliley Documents at www.tobaccodocuments.org. UQ 98.

31. Lyberopoulos H. *ARISE 1994–95 Activities and Funding.* Philip Morris Companies Inc. 2024208096–8099. www.pmdocs.com. UQ 33779.

32. *Information on Associates for Research in Substance Enjoyment Meeting in Venice.* 1991est. R.J. Reynolds Tobacco Company. 508300651–0667 at 0652. www.rjrtdocs UQ 33749.

33. Wilhelmus J. *WHO*. April 18, 1995. Philip Morris Companies Inc. 2063625254. www.pmdocs.com. UQ 33541.

34. Luik J, Snel J, Warburton D. *ARISE (Associates for Research into the Science of Enjoyment): A Summary of the Workshop Held in April 1995*. April 1995est. R.J. Reynolds Tobacco Company. 511818234–8241. www.rjrtdocs.com. UQ 33731.

35. *The World Health Organization*. December 1985est. Philip Morris Companies Inc. 2023267436. www.pmdocs.com. UQ 46.

36 . Reif H. *Continuation of the Vettorazzi Project*. March 25, 1992. Philip Morris Companies Inc. PM 2025594741–4743 at 4742. www.pmdocs.com. UQ 33466.

37. *Consultant to ICOSI on International Organisations*. August 1980est. Philip Morris Companies Inc. 2025049734. www.pmdocs.com. UQ 37.

38. Developing Countries Group (DCG). *Progress report covering events since the ICOSI board of directors meeting October 5/8th, 1980*. February 1981est. Philip Morris Companies Inc. 2025049364–9374 at 9365. www.pmdocs.com. UQ 40.

Hauser. *[Letter to AG Leeks]*. April 20, 1983. Philip Morris Companies Inc. 2023273908–3909. www.pmdocs.com. UQ 42.

Secretariat Interim Report. December 28,1984. Philip Morris Companies Inc. 2023272512–2617 at 2514. www.pmdocs.com. UQ 43.

39. CASIN. January 11, 1991. British American Tobacco Company. 300557237–7259 at 7241. Guildford Document Depository. UQ 33350.

40. CASIN. January 11, 1991. British American Tobacco Company. 300557237–7259 at 7240. Guildford Document Depository. UQ 33350.

41. CASIN. January 11, 1991. British American Tobacco Company. 300557237–7259 at 7256. Guildford Document Depository. UQ 33350.

42. Interviews with Neil Collishaw, Leanne Riley, and Barbara Zolty, all former employees of the WHO's Tobacco or Health Program, Feb. 4, 2000.

43. *Boca Raton Action Plan: WHO/IOCU/UICC: Strategies and Tactics*. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.

44. E–mail communication from Neil Collishaw. March 29, 2000.

45. Interviews with Neil Collishaw, Barbara Zolty, and Leanne Riley, February 4, 2000.

46. E–mail communication from Barbara Zolty, March 2, 2000.

47. Sullivan J. *IARC Study.* September 2, 1993. Philip Morris Companies Inc. 2501117793–7797 at 7795. www.pmdocs.com. UQ 33603.

48. Von Maerestetten C. *IARC*. July 26, 1993. Philip Morris Companies Inc. 2025493295. www.pmdocs.com. UQ 33776.

49. *IARC Study.* Philip Morris Companies Inc. 2501347168–7173 at 7172. www.pmdocs.com. UQ 33595.

Pages R. *Update 2: IARC study of ETS and lung cancer*. August 2, 1993. Philip Morris Companies Inc. 20232999819. www.pmdocs.com. UQ 33733.

50. *Memo on vaccines for world health organization.* October 25, 1971. Philip Morris Companies Inc. 2012581044. www.pmdocs.com. UQ 4.

51. *Boca Raton Action Plan: WHO/IOCU/UICC: Strategies and Tactics*. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.

52. Flavor and Extract Manufacturers Association. *Invoice*. August 17, 1995. Philip Morris

Companies Inc. 2050761274. www.pmdocs.com. UQ 33546.

53. Schrankel K. *Final Report to Contributors of Anethole Research Fund*. August 25, 1998. Philip Morris Companies Inc. 2063597040. www.pmdocs.com. UQ 33548.

54. *Minutes of Anethole Task Force.* May 2, 1996. Philip Morris Companies Inc. 2063616600. www.pmdocs.com. UQ 33547.

55. *Minutes of Anethole Task Force.* May 2, 1996. Philip Morris Companies Inc. 2063616600. www.pmdocs.com. UQ 33547.

Schrankel. *Final Report to Contributors of Anethole Research Fund*. August 25, 1998. Philip Morris Companies Inc. 2063597040. www.pmdocs.com. UQ 33548

56. Temple B. *Re: ICD Meeting–4 October 1991.* September 13, 1991. British American Tobacco Company. 300516087–6090. UQ 33573.

57. Temple B. *Industry Council for Development (ICD).* May 1, 1991. British American Tobacco Company. 300516092–6095 at 6092–6093. Guildford Document Depository. UQ 33781.

58. Finnegan T, Senkus M, Zahn L. *Action Plan proposed by ICOSI Task Force on 4th World Conference On Smoking & Health Stockholm, June 18–22,1979*. January 30, 1979. Council for Tobacco Research. 10395689–5695. www.ctr–usa.org/ctr. UQ 32797.

59. *Secretariat interim report*. December 28, 1984. Philip Morris Companies Inc. 2023272512. com. UQ 43.

Marcotullio RJ. *INFOTAB Board of Director's (BOD) Meeting–London, March 30, 1981*. April 6, 1981. 502741855–1859. Bliley Documents at www.tobaccodocuments.org. UQ 60.

Witt S. *International Committee on Smoking Issues Lausanne–November 10–12, 1977*. November 18, 1977. 502330543–0563 at 0556–0557. Bliley Documents at www.tobaccodocuments.org. UQ 61.

Ely B. *Infotab Board Meeting 30th and 31st October, 1983.* November 18, 1983. Brown & Williamson Tobacco Company. 680404650. www.bwdocs.aalatg.com. UQ 32824.

Vogel C. *Minutes of the Kansas City Sub Group.* December 7, 1978. Tobacco Institute. TIMN270055–0059 at 0058. www.tobaccoinstitute.com. UQ 32904.

Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047. Guildford Document Depository. UQ 33162.

Oldman M. *[Letter to G Pedlow]*. March 13, 1991. British American Tobacco Company. 502555357–5363 at 5358. Guildford Document Depository. UQ 33278.

60. Developing Countries Ad Hoc Group (DCG). *Progress Report Covering Events Since the ICOSI Board of Directors Meeting on 19th February, 1980*. August 1980est. Philip Morris Companies Inc. 2025049727–9733 at 9728. www.pmdocs.com. UQ 39.

61. Developing Countries Ad Hoc Group (DCG). *Progress Report Covering Events Since the ICOSI Board of Directors Meeting October 5/8th 1980.* February 1981est. Philip Morris Companies Inc. 2025049364–9374 at 9368–9369. www.pmdocs.com. UQ 40.

62. *Observations on the Fifth World Conference on Smoking and Health by a Consultant, Winnipeg, July 1983.* July 1983est. Philip Morris Companies Inc. 2501021685–1709 at 1685. www.pmdocs.com. UQ 32890.

63. *Observations on the Fifth World Conference on Smoking and Health by a Consultant, Winnipeg, July 1983.* July 1983est. Philip Morris Companies Inc. 2501021685–1709 at 1688. www.pmdocs.com. UQ 32890.

64. INFOTAB . *Item 2, Report From The Secretary General* . January 1982est. Philip Morris Companies Inc. 2021594826–4836 at 4833. www.pmdocs.com. UQ 32.

Hauser N. *Trip Report–Rome/FAO November 26–29, 1984.* November 26, 1984. Philip Morris Companies Inc. 2023272592–2597. www.pmdocs.com. UQ 91.

Developing Countries Strategy Group. January 1985est. Philip Morris Companies Inc. 2025013364. www.pmdocs.com. UQ 32892.

Corti A. Director of Information Services, INFOTAB. *Latin American Meetings–Geneva/Rome, March 9–15, 1987.* January 15,

1987. British American Tobacco Company. 301760973–0979 at 0979. Guildford Document Depository. UQ 33254

Appendix I, INFOTAB January 1989, Discussion Paper. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5262. Minnesota Document Depository. UQ 33561.

65. *Project Report Covering Projects and Action Plans Since the Board of Directors Meeting on March 30, 1981*. 1981est. Philip Morris Companies Inc. 2025048077–8088 at 8077. www.pmdocs.com. UQ 41.

66. *Project Report Covering Projects and Action Plans Since the Board of Directors Meeting on March 30, 1981.* 1981est. Philip Morris Companies Inc. 2025048077–8088 at 8082. www.pmdocs.com. UQ 41.

67. Verkerk H. *Fifth World Conference on Smoking and Health–Winnepeg*. Philip Morris Companies Inc. 2501021564–1586 at 1577. www.pmdocs.com. UQ 32888.

68. *Secretariat Interim Report.* December 28, 1984. Philip Morris Companies Inc. 2023272512–2617 at 2594. www.pmdocs.com. UQ 43.

69. Marcotullio. *INFOTAB Board of Director's (BOD) Meeting–March 30, 1981*. April 6, 1981. 502741855. Bliley Documents at www.tobaccodocuments.org. UQ 60.

Witt S. *International Committee on Smoking Issues Lausanne–November 10–12, 1977.* November 18, 1977. 502330545. Bliley Documents at www.tobaccodocuments.org. UQ 61.

Schlosser A, Mine K (Chadbourne, Parke). *Representative Compilation of Literature Describing the Benefits of Tobacco.* April 29, 1986. Brown & Williamson Company. 681870460–0654 at 0602. Bliley Documents at www.tobaccodocuments.org. UQ 64.

INFOTAB. *INFOTAB Workshop*. Undated. Philip Morris Companies Inc. 2501021710–1711. www.pmdocs.com. UQ 32891.

70. Hauser. April 20, 1983. Philip Morris Companies Inc. 2023273908. www.pmdocs.com. UQ 42.

71. *Secretariat Interim Report*. December 28, 1984. Philip Morris Companies Inc. 2023272512–2617 at 2594. www.pmdocs.com. UQ 43.

Simpson B, Hauser N. *Background Papers for the INFOTAB Advisory Group Meeting, December, 5–7, 1983*. November 25, 1983. Brown & Williamson Tobacco Company. 699101438–1473. www.bwdocs.aalatg.com. UQ 32853.

72. International Organizations Monitoring Service. *Industry Sectors and International Organizations–Tobacco Update and Outlook on World Health Organization Activities Affecting MNCs.* March 5, 1986. Philip Morris Companies Inc. 2024272808- 2814 at 2812. Bliley Documents at www.tobaccodocuments.org. UQ 33777.

73. Oldman M. *[Letter to D. Bacon, enclosing "Agro–Tobacco Services (ATS), Proposal for a Consultancy Agreement"]*. January 7, 1992. British American Tobacco Company. 502552644–2654 at 2650. Guildford Document Depository. UQ 33302.

74. Oldman M. *[Letter to D. Bacon, enclosing "Agro–Tobacco Services (ATS), Proposal for a Consultancy Agreement"]*. January 7, 1992. British American Tobacco Company. 502552644–2654 at 2647. Guildford Document Depository. UQ 33302.

75. Oldman M. *[Letter to G. Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5361. Guildford Document Depository. UQ 33278.

76. Oldman M. *[Letter to G. Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5358. Guildford Document Depository. UQ 33278.

77. Oldman M. *[Letter to G. Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5361. Guildford Document Depository. UQ 33278.

78. Oldman M. *[Letter to D Bacon enclosing Agro–tobacco Activity Report for January 1993].* February 10, 1993. British American Tobacco Company. 502552508–2513 at 2512–2513. Guildford Document Depository. UQ 33296.

79. Oldman M. *Paper for ITGA General Meeting, 1994.* 1994est. British American Tobacco

Company. 502552280–2293 at 2288. Guildford Document Depository. UQ 33286.

80. Opukah S. *ECOSOC/FAO Positions on Tobacco.* August 18, 1994. British American Tobacco Company. 502570804. Guildford Document Depository. UQ 33304.

81. May R. *The World Bank Position Towards Tobacco.* October 17, 1992. Philip Morris Companies Inc. 2028464078. www.pmdocs.com. UQ 32864.

Oldman M. *[Letter to D. Bacon enclosing "Some Thoughts on the Future Management of the Industry's Agro–Tobacco Programme"].* March 29, 1995. British American Tobacco Company. 502555220–5226 at 5522. Guildford Document Depository. UQ 33269.

Oldman M. *[Letter to D. Bacon enclosing activity Report for June].* July 3, 1992. British American Tobacco Company. 502552616–2620 at 2617. Guildford Document Depository. UQ 33299.

82. INFOTAB . *Item 2, Report From The Secretary General* . January 1, 1982est. Philip Morris Companies Inc. 2021594826–4836 at 4827. www.pmdocs.com. UQ 32.

83. *Industry Sectors and International Organizations–Tobacco Update and Outlook on World Health Organization Activities Affecting MNCs.* March 5, 1986. Philip Morris Companies Inc. 2024272808–8014 at 8012. Bliley Documents at www.tobaccodocuments.org. UQ 51.

84. Honour H. September 11, 1991. British American Tobacco Company. 202049970–9973 at 9971. Guildford Document Depository. UQ 33257.

85. Bacon D. *Development Aid, Progress.* November 28, 1991. British American Tobacco Company. 202049931–9932 at 9931. Guildford Document Depository. UQ 33256.

86. Bacon D. *Development Aid, Progress.* November 28, 1991. British American Tobacco Company. 202049931–9932 at 9931. Guildford Document Depository. UQ 33256.

87. Bacon D. *Development Aid, Progress.* November 28, 1991. British American Tobacco Company. 202049931–9932 at 9932. Guildford Document Depository. UQ 33256.

88. Brady B. March 3, 1992. British American Tobacco Company. 202049846–9847 at 9847. Guildford Document Depository. UQ 33255.

89. Brady B. March 3, 1992. British American Tobacco Company. 202049846–9847 at 9847. Guildford Document Depository. UQ 33255.

90. Hartley R. *[Note to Mr. B.D. Bramley].*June 28, 1993. British American Tobacco Company. 502587026–7027 at 7026. Guildford Document Depository. UQ 33230.

91. Oldman M. *[FAX to D. Bacon enclosing "Some Thoughts on the Future Management of the Industry's Agro–Tobacco Programme"]*. March 29, 1995. British American Tobacco Company. 502555220–5226 at 5522. Guildford Document Depository. UQ 33269.

92. Oldman M. *[FAX to D. Bacon enclosing "Some Thoughts on the Future Management of the Industry's Agro–Tobacco Programme"]*. March 29, 1995. British American Tobacco Company. 502555220–5226. Guildford Document Depository. UQ 33269.

93. Bacon D. *Development Aid, Progress.* November 28, 1991. British American Tobacco Company. 202049931–9932 at 9932. Guildford Document Depository. UQ 33256.

94. *The 1995 Agro–Tobacco Programme, Proposals for Discussion*. 1994est. British American Tobacco Company. 502552341–2343 at 2341. Guildford Document Depository. UQ 33288.

95. Oldman M. *Paper for ITGA General Meeting, 1994.* 1994est. British American Tobacco Company. 502552280–2293 at 2289. Guildford Document Depository. UQ 33286.

96. *The ITGA 1996 Work Programme.* Tobacco Courier. December 1, 1995est. British American Tobacco Company. 601030389–0413 at 0395. Guildford Document Depository. UQ 33319.

97. Interview with Neil Collishaw, Feb. 4, 2000.

98. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris Companies Inc. 2021596422–6432 at 6429. www.pmdocs.com. UQ 32834.

Boca Raton Action Plan: Status Report for the Period Ending January 31, 1989. January 31, 1989. Philip Morris Companies Inc.

2500103969–4056 at 3989. www.pmdocs.com. UQ 32863.

99. Boyse S. *[Letter to Peter Hazel, David Bacon, and JJ Mostyn]*. August 8, 1991. British American Tobacco Company. 304004032. Guildford Document Depository. UQ 33184

100. Dietrich P. WHO spends money on what? *The Wall Street Journal*, May 9, 1989. UQ 33662.

101. Oldman M. *[Letter to D. Bacon enclosing Activity Report, September/October 1993].* November 1, 1993. British American Tobacco Company. 502555329–5331 at 5331. UQ 33276.

Boca Raton Action Plan: Status Report for the Period Ending May 31, 1989. May 31, 1989. Philip Morris Companies Inc. 2021592752–2764 at 2752. www.pmdocs.com. UQ 32859.

102. *Boca Raton Action Plan: Status Report Ending July 31, 1989.* July 31, 1989. Philip Morris Companies Inc. 2023547120–7135 at 7121. www.pmdocs.com. UQ 32860.

103. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050. www.pmdocs.com. UQ 32862.

Oldman M. *[Letter to D. Bacon enclosing Activity Report, September/October 1993].* November 1, 1993. British American Tobacco Company. 502555329–5331 at 5331. UQ 33276

104. Ntaba H. Letter to the Editor, *International Health and Development*, Vol. 1, No. 2, Summer, p. 31. UQ 33689.

105. *Boca Raton Action Plan: Status Report for the Period Ending September 30, 1989.* September 30, 1989. Philip Morris Companies Inc. 2501204997–5021 at 4998. www.pmdocs.com. UQ 32861.

106. Boyse S. *[Letter to Paul Dietrich].* August 7, 1991. British American Tobacco Company. 300516113. Guildford Document Depository. UQ 33571.

107. Rupp J. *Statement, Philip Morris International (Latin America).* November 30, 1992. Philip Morris Companies Inc. 2023591405. www.pmdocs.com. UQ 32903.

Bacon D. *Who Benefits from WHO?* November 24, 1993. British American Tobacco Company. 502587501. UQ 33311.

108. *Agenda: "Primer Encuentro de Periodistas Y la Industria Del Tabaco*." June 1991est. British American Tobacco Company. 300565679–5681. Guildford Document Depository. UQ 33675.

BAT Smoking Issues Briefing, Taiwan. September 6–8, 1992. British American Tobacco Company. 300565674–5675. Guildford Document Depository. UQ 33677.

Agenda, Meeting of Social Communicators and the Tobacco Industry. November 1992est. British American Tobacco Company. 300565668–5671. Guildford Document Depository. UQ 33678.

109. Oldman M. *[Letter to G. Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5359. Guildford Document Depository. UQ 33278.

110. Bloxidge JA. *International Tobacco Growers' Association (ITGA).* October 11, 1988. British American Tobacco Company. 502555415–5417. Guildford Document Depository. UQ 33284.

111. Oldman M. *[Letter to G. Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5360. Guildford Document Depository. UQ 33278.

112. Oldman M. *Agro–Tobacco Services (ATS), Proposed Plan.* November 1991. British American Tobacco Company. 502552655–2667 at 2659. Guildford Document Depository. UQ 33303.

113. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6723–6724. www.pmdocs.com UQ 33566.

114. *Boca Raton Action Plan: Appendix A, WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147.www.pmdocs.com UQ 32846.

115. Wells JK. *INFOTAB Advisory Council Meeting July 14 and 15, 1982.* July 21, 1982. Brown &Williamson Company. 680002301–2307.

Bliley Documents at www.tobaccodocuments.org. UQ 20.

116. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris Companies Inc. 2021596422–6432 at 6429. www.pmdocs.com. UQ 32834.

117. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654119–4123 at 4121. www.pmdocs.com. UQ 66.

118. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654119–4123 at 4121. www.pmdocs.com. UQ 66.

119. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6677. www.pmdocs.com UQ 33566.

120. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654119–4123 at 4120. www.pmdocs.com. UQ 66.

121. Whitley C. *Statement of Charles O. Whitley on behalf of the Tobacco Institute before the Subcommittee on Health and the Environment, Committee on Energy and Commerce, US House of Representatives [Draft]*. July 9, 1990. Tobacco Institute TIMN 0032095–2141 at 2118. Bliley Documents. www.tobaccodocuments.org. UQ 32912.

    Zhang M. *[Attaching Press article in the China Daily on the CIAR's GEP workshop in Guangzhou.]* September 9, 1997. Philip Morris Companies Inc. 2063608546–8547. www.pmdocs.com. UQ 33752.

122. Whitley C. *Statement of Charles O. Whitley on behalf of the Tobacco Institute before the Subcommittee on Health and the Environment, Committee on Energy and Commerce, US House of Representatives [Draft].* July 9, 1990. Tobacco Institute TIMN 0032095–0032141 at 2118. Bliley Documents. www.tobaccodocuments.org. UQ 32912.

123. *Press release by the organizers of the expert discussion of the "Physician's View of Passive Smoking": Health Danger through Passive Smoking Not Proven.* April 1984. Philip Morris Companies. 1002965608–6509. www.pmdocs.com. UQ 33770.

    Masironi R. *[Letter to W. Kloepfer].* December 2, 1986. Philip Morris Companies Inc. 2025816621–6624. www.pmdocs.com. UQ 33771.

124. Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4119. www.pmdocs.com. UQ 33590.

125. Walk, R.A. *IARC Multi–Center Case Control Study of ETS and Lung Cancer, Your memo dated 21 May 93*. July 13, 1993. Philip Morris Companies Inc. 2025493287. www.pmdocs.com. UQ 33616.

126. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

    Pages R. *IARC Study of ETS and Lung Cancer*. May 21, 1993. Philip Morris Companies Inc. 2500015757. www.pmdocs.com. UQ 33617.

    Walk, R.A. *IARC Multi–Center Case Control Study of ETS and Lung Cancer: Update of information*. July 30, 1993. Philip Morris Companies Inc. 2029041838–1839. www.pmdocs.com. UQ 33618.

127. Interview with Paolo Boffetta, April 17, 2000.

128. Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4119. www.pmdocs.com. UQ 33590.

129. *IARC Study.* 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

130. Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118. www.pmdocs.com. UQ 33590.

131. Boyse S. *[Letter to Ron Tully.]* April 18, 1990. British American Tobacco Company. 400099555. Guildford Document Depository. UQ 33507.

    Boyse S. *[Letter to PN Lee.]* December 19, 1989. British American Tobacco Company. 400099679. Guildford Document Depository. UQ 33509.

132. Lee P. May 8, 1990. British American Tobacco Company. 502587275–7284 at 7275. Guildford Document Depository. UQ 33236.

133. Winokur M. *[FAX to H. Reif attaching "CIAR and IARC, Next Steps and Options."]* December 19, 1994. Philip Morris Companies Inc. 2028381587–1588 at 1588. www.pmdocs.com. UQ 33746.

134. Interview with Paulo Boffetta, April 17, 2000.

135. Matthews R, MacDonald V. Passive smokers inhale six cigarettes a year. *Sunday Telegraph*. August 16, 1998.

136. Lyberopoulos, H. *Presentation on IARC [enclosing overheads]*. April 19, 1994. Philip Morris Companies Inc. 2501355931–5944 at 5942. www.pmdocs.com. UQ 33604.

Hockaday T, Cohen N. *Thoughts on TASSC Europe*. March 25, 1994. Philip Morris Companies Inc. 2025492898–2905 at 2899. www.pmdocs.com. UQ 33758.

137. Lindheim J. *Presentation on Scientist Project*. May 5, 1994. Philip Morris Companies Inc. 2025493201–3207 at 3205–3206. www.pmdocs.com. UQ 33708.

138. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet.* 2000; 355: 1253–59.

139. www.esef.org. March 2000.

140. www.esef.org. March 2000.

141. www.esef.org. March 2000.

142. Mooney L. Smoking out bad science. *Wall Street J.* March 19, 1998; A18.

143. Boffetta P, Agudo A, Ahrens W, et al. Multicenter case–control study of exposure to environmental tobacco smoke and lung cancer in Europe. *J Natl Cancer Inst* 1998; 90: 1440–50.

144. Hirayama T. Non–smoking wives of heavy smokers have a higher risk of lung cancer: A study from Japan. *BMJ* 1981; 282:183–85.

Repace JL, Lowery AH. A quantitative estimate of nonsmokers' lung cancer risk from passive smoking. *Environment Int*. 1985;11:3–22.

US Environmental Protection Agency. *Health effects of passive smoking: Assessment of lung cancer in adults and respiratory disorders in children*. Office of Research and Development, Office of Health and Environmental Assessment. EPA/600/6–90/006F, 1992b.

145. Boffetta P, Agudo A, Ahrens W, et al. Multicenter case–control study of exposure to environmental tobacco smoke and lung cancer in Europe. *J Natl Cancer Inst* 1998; 90: 1440–50.

146. British American Tobacco. *[News release].* March 5, 1998. Philip Morris Companies Inc. 2063594010–4240 at 4018. www.pmdocs.com. UQ 33750.

147. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6235. Guildford Document Depository. UQ 33691.

148. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues.* October 1989. British American Tobacco Company. 300516227–6285 at 6236. Guildford Document Depository. UQ 33691.

149. *INFOTAB . Item 2 Report From The Secretary General .* January 1, 1982est. Philip Morris Companies Inc. 2021594826–4836. www.pmdocs.com. UQ 32.

Background to the Structure and Operations of the Activist Movement. November 15, 1994. Philip Morris Companies Inc. 2501110753–0775. www.pmdocs.com. UQ 68.

Seymour M. *6 September 1996 IARC European Response Plan Workshop.* August 8, 1996. Philip Morris Companies Inc. 2063604476–4498. www.pmdocs.com. UQ 71.

Hauser N. *Trip Report–Rome/FAO November 26–29, 1984.* November 26, 1984. Philip Morris Companies Inc. 2023272592–2597. www.pmdocs.com. UQ 91.

Hoel D. *Confidential–For Counsel Only.* July 10, 1979. Brown & Williamson Company. 680040577–0579. Blilely Documents at www.tobaccodocuments.org. UQ 99.

Pages B. *IARC.* September 13, 1993. Philip Morris Companies Inc. 2029173981. www.pmdocs.com. UQ 32848.

Dietrich P. *[Letter to Sharon Boyse]*. October 8, 1991. British American Tobacco Company. 300516052–6053. Guildford Document Depository. UQ 32879.

Proctor C. *WHO Meeting in Budapest.* March 10, 1994. British American Tobacco Company. 500898951. UQ 33214.

Ecoffey D. CASIN . British American Tobacco Company. 304002746–2749. Guildford Document Depository. UQ 33253.

Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

Tully R. *8th WCTH*. January 29, 1992. British American Tobacco Company. 300504241–4252. Guildford Document Depository. UQ 33334.

Global Business Forum. June 12, 1991. British American Tobacco Company. 300557205–7210. Guildford Document Depository. UQ 33348.

CASIN. January 11, 1991. British American Tobacco Company. 300557237–7259. Guildford Document Depository. UQ 33350.

Hartogh J. *Report by Task Force 5th World Conference on Smoking and Health, Winnipeg, Canada, July 1983.* February 26, 1981. Philip Morris Companies Inc. 2025049376–9377. www.pmdocs.com. UQ 33514.

150. *The World Health Organization (WHO): Its Work Related to the Activities of the International Tobacco Industry.* Philip Morris Companies Inc. 2501442830–2897 at 2501442889–2897. www.pmdocs.com. UQ 5.

Lojacono G. *Research Group Informal Meeting On: Health Effects of ETS in Europe–Paris–P. Broussell Hospital (Villejuif 13/14 March, 1991).* March 1991est. Philip Morris Companies Inc. 2501356073–6076. www.pmdocs.com. UQ 33534.

JMH–possibly Hartogh J. *Action Plan proposed by ICOSI Task Force 4th World Conference on Smoking & Health.* January 29, 1979. Philip Morris Companies Inc. 2501015212–5215. www.pmdocs.com. UQ 33549.

151. *The World Health Organization (WHO): Its Work Related to the Activities of the International Tobacco Industry.* Philip Morris Companies Inc. 2501442830–2897 at 2834. www.pmdocs.com. UQ 5.

Tully R. *8th WCTH*. January 29, 1992. British American Tobacco Company. 300504241–4252. Guildford Document Depository. UQ 33334.

152. *The World Health Organization (WHO): Its Work Related to the Activities of the International Tobacco Industry.* Philip Morris Companies Inc. 2501442830–2897 at 2889–2890. www.pmdocs.com. UQ 5.

Informal Meeting of the IARC Research Group on ETS and Human Cancer. Philip Morris Companies Inc. 2501349504–9507. www.pmdocs.com. UQ 33636.

47th WHO World Assembly: Informal meeting of some members of the IARC study group "ETS and the Lung Cancer". Geneva May 3–6, 1994. Philip Morris Companies Inc. May 5, 1994. 2501347143–7144. www.pmdocs.com. UQ 33637.

Wilhelmus J. *WHO*. April 18, 1995. Philip Morris Companies Inc. 2063625254. www.pmdocs.com. UQ 33541.

CECCM. *IARC Study*. April 4, 1995. British American Tobacco Company. 500804531–4537. Guildford Document Depository. UQ 33774.

Cerioli A. *Report on my attendance to the Conference "Conoscenze Scientifiche, Seperi Popolari e Socita Umana alle Soglie del Duemile. Attualite del Pensiero di A. Maccacaro."* January 27, 1997. Philip Morris Companies Inc. 2502250796–0797. www.pmdocs.com. UQ 29.

Menchaca. January 25, 1990. British American Tobacco Company. 502587287. Guildford Document Depository. UQ 33237.

Lojacono G. *Research Group Informal Meeting On: Health Effects of ETS in Europe–Paris–P. Broussell Hospital (Villejuif 13/14 March, 1991).* March 14, 1991est. Philip Morris Companies Inc. 2501356073–6076. www.pmdocs.com. UQ 33534.

Pages R. *[Forwarding note from H. Reif: IARC Study]*. July 19, 1993. Philip Morris Companies Inc. 2025470098. www.pmdocs.com. UQ 32800.

Dietrich P. *[Letter to Sharon Boyse, Enclosing Memo of Visit to Thailand and Philippines]*. January 29, 1992. British American Tobacco Company. 300516024–37. Guildford Document Depository. UQ 33682.

IV. THE BOCA RATON ACTION PLAN

A. Introduction

The case studies in this report add to growing evidence that tobacco companies have conducted a widespread and often hidden campaign against public health programs around the globe. These efforts are often described in the tobacco company documents using metaphors of war. One Philip Morris document expresses a need to "combat anti-tobacco activity…as well as defend against it," referring to "the World Health Organization…and other anti-tobacco organizations,"[1] while another simply suggests, "Attack W.H.O."[2]

In most cases, the now-public tobacco company documents uncover this history through fragmentary records, leaving the researcher to reconstruct the chain of events from shreds of evidence. Occasionally, however, the documents offer more. In rare instances, they even afford a glimpse of a tobacco company's master plan. The Boca Raton Action Plan is such an instance.

Instigated by Geoffrey Bible, now the CEO of Philip Morris Companies, the Boca Raton Action Plan was Philip Morris' master plan for 1989. It was a comprehensive strategy for an elaborate, multi-faceted campaign to undermine tobacco control initiatives and other threats facing the tobacco companies throughout the world. The measure of the plan was, in many ways, a function of its breadth and the integration of its components. The plan identified threats to the company's interests in multiple realms and mobilized tremendous resources to confront these threats in a concerted way.

In November 1988, under the direction of Bible, who was then the President of Philip Morris International (PMI), top executives from Philip Morris' regional offices and its New York headquarters convened in Boca Raton, Florida, to plan for the succeeding year. The resulting Action Plan identified 26 global threats to the tobacco company and multiple strategies for countering each. These threats included, among other things, global efforts to: (1) restrict tobacco advertising and promotion; (2) raise cigarette taxes; (3) establish smoking restrictions on airplanes, in workplaces and restaurants; (4) regulate cigarette design and ingredients; (5) strengthen warning labels; and (6) limit sports sponsorships.

First among the 26 concerns identified, however, was the World Health Organization's tobacco control program, addressed under the heading, "WHO/UICC/IOCU Redirection/containment strategies."[3] Several other components of the plan were directly related to the "containment" of WHO, while still others were tangentially related. This case study is based largely on documents from the Boca Raton meeting, memos among participants and detailed status reports compiled over the year, chronicling the progress of the Action Plan toward its goals.

To "redirect" WHO, Philip Morris used all the resources available to it. This included its powerful food companies and other non-tobacco subsidiaries, as well as tobacco industry organizations, business groups, front groups and other ostensibly independent surrogates. These organizations were used not only to influence WHO directly, but also to exert pressure through the media, national governments and international organizations, including other UN agencies.

Details of these activities are sometimes unclear, because critical documents prepared as part of the Boca Raton Plan appear to be absent from the documents produced by Philip Morris under court orders in the United States. Those that were produced are sometimes incomplete, vague or otherwise oblique.

As a result, some of the most disturbing questions remain unanswered. For example, the documents show that Philip Morris was acutely aware of WHO's reliance on external sources of funding, and discussed strategies for diverting that funding from tobacco-related activities. One document specifically noted that WHO's tobacco initiatives were funded in part by a US$600,000 contribution from the "Japanese Shipbuilders Association", and suggested exploring "a variety of avenues" for "containing funding from private sources."[4]

A subsequent report hinted cryptically about an unidentified "[i]nitiative underway to obtain back-up on WHO extra-budgetary resources and contributors."[5] What this initiative was, and whether it succeeded, is not revealed. The committee understands that contributions from the Japan Shipbuilding Industry Fund were later shifted away from tobacco related activities, and re-directed to a WHO leprosy program, but the committee found no documents indicating whether tobacco companies were able to influence this decision. Sources within WHO[6] were interviewed and an attempt was made to review WHO budget files to clarify the circumstances under which this funding transfer took place, but these efforts did not lead to any additional information.

Despite these gaps, the documents paint a detailed picture of a wide-reaching and influential campaign. For example, through the Science and Technology (S&T) division of Philip Morris Europe (PME) in Neuchatel, Switzerland, Fabriques de Tabac Reunies (FTR), the company provided "scientific assistance" to "allies such as smoker's rights groups in their attack on WHO's anti-tobacco programme…and personalities close to the government in Zimbabwe, Malawi and South Africa…"[7]. Several documents indicate that Philip Morris cultivated a relationship with WHA delegate and representative to the WHO Executive Board, Heatherwick Ntaba, the Chief of Health Services from the Malawi Ministry of Health, in connection with an Executive Board meeting in 1988.[8] (Chapter V.) In another document, Philip Morris appears to take credit for a decision by WHO's Eastern Mediterranean Regional Office (EMRO) to drop tar and nicotine reductions from EMRO's policy agenda.[9]

Much of the Boca Raton Action Plan involved the creation or manipulation of seemingly independent organizations with strong ties to tobacco companies to carry out Philip Morris' plans. Some of these organizations, including LIBERTAD, the New York Society for International Affairs, the America-European Community Association (AECA), and the Institute for International Health and Development (IIHD), were used successfully to gain access to dozens of national and world leaders, health ministers, WHO and other UN agency delegates.

Another key element of the Boca Raton plan was the idea of transforming tobacco company organizations such as CORESTA (an industry research organization) and INFOTAB (International Tobacco Information Center) into political instruments, and to mobilize them "in a general lobbying effort aimed at dissuading WHO from continuing with their broad-based health advocacy programs."[10] The

documents further show that Philip Morris used its regional offices and non-tobacco subsidiaries to press business groups such as the International Chamber of Commerce (ICC) to lobby the World Health Assembly (WHA) and the International Labor Organization (ILO), another UN agency.

Philip Morris attempted to use the Food and Agriculture Organization (FAO), ILO or other UN agencies, WHO Regional Offices and Coordinating Centers and the governments of developing countries to influence WHO tobacco policies and WHA resolutions. To this end, Philip Morris hired several former UN officials. For example, the documents indicate that the company hired a former Deputy Director-General of the ILO as a consultant and arranged for the appointment of former ILO Director General, Francis Blanchard, to the board of directors of the Institute for International Health and Development (IIHD), an organization that also carried out some of the strategies described in the Boca Raton Action Plan.

The Boca Raton Action Plan overlaps with activities described in three other case studies presented in this report: those involving Paul Dietrich, the "Third World Issue" and the 8th World Conference on Tobacco OR Health. (See Chapters VI, VI, and VII.) As described in the first of these case studies, Paul Dietrich was used by the tobacco companies as a seemingly independent journalist and international affairs specialist to advance anti-WHO views through speeches and publications. Dietrich had long relationships with tobacco companies, but did not disclose this publicly, identifying himself instead as President of the IIHD, or as a member of the Development Committee of the Pan American Health Organization (PAHO), an organization that also serves as WHO's Regional Office for the Americas.

Dietrich was a speaker at the seminal 1988 Philip Morris Corporate Affairs meeting in Boca Raton that gave rise to the Action Plan. As described in the case study (see Chapter VI), Dietrich wrote numerous anti-WHO articles published in the national and international press, published a journal that was widely distributed by Philip Morris for its anti-WHO, pro-tobacco business messages, and spoke at local and international forums and conferences, criticizing WHO priorities and tobacco control in general, all without revealing his ties to at least two major tobacco companies. The documents suggest that much of Dietrich's activity during this period was coordinated as part of the Boca Raton Action Plan.

The "Third World Issue" case study describes other activities carried out as part of the Action Plan, including the use of INFOTAB, CORESTA and the International Tobacco Growers Association (ITGA) to influence developing countries to support a political platform that emphasized the economic importance of tobacco farming, through these nations' representation to the WHO, ILO and FAO (see Chapter V). Philip Morris employee Iancou Marcovitch, who was assigned by Science and Technology Director, Helmut Gaisch, to perform intelligence work and provide technical assistance related to WHO and other medical organizations, also played a peripheral role in the plan. One of the documents indicates that Marcovitch was present in Geneva with Ntaba of Malawi at the time of a meeting of the WHO Executive Board and election of a new Director-General in 1988.[11]

The Boca Raton Action Plan appears to have lasted for one year. It is unclear whether similar master plans were adopted in subsequent years, as the committee of experts was unable to locate anything

comparable in the public documents. Philip Morris Corporate Affairs meetings into the 1990s, however, generated plans with familiar themes, and there is evidence that elements of the Boca Raton plan and certain organizational structures put into place by the plan continued and still exist today. The documents, along with several newspaper articles, show that the AECA and LIBERTAD, which are still active non-profit organizations, were generously supported by Philip Morris throughout the past decade. The documents also show that Philip Morris sought to use the organizations to further the company's business interests through contacts with international leaders and the promotion of freedom of speech and choice.[12] The Boca Raton Action Plan itself also provides insight into the magnitude and sophistication of the ongoing opposition to WHO's work.

B. Background and Components of the Plan

1. Origins of the Plan

The roots of the Boca Raton Plan can be found in earlier Philip Morris documents. In fact, documents from as early as the 1970s identify WHO as a major threat to the company and describe Philip Morris' efforts to moderate WHO's influence. In 1983, a memo from Helmut Gaisch, Science and Technology Director of Philip Morris Europe (PME) Fabriques de Tabac Reunies (FTR), entitled "Extramural and Defensive Activities: Objectives and Strategies,"[13] described as its first objective:

> "The maintenance of a favourable commercial environment in the face of hostile anti-industry movements in order to protect PM long-term development plans.
>
> "STRATEGIES: Anti-smoking activities are largely channeled through the WHO and a few other activist national/international organisations. A continuing effort to be made for contacting individual scientists or officials in order to learn about their intentions, to modify their opinions, to precede their interventions with national government agencies, and to activate other defensive industry responses through NMAs (National Manufacturers' Associations), INFOTAB, etc." [Emphasis in original.]

This document assigned responsibility for WHO, the International Union Against Cancer, and other health organizations to Gaisch's subordinate Iancou Marcovitch, and indicated that Gaisch and Marcovitch would perform "intelligence work" concerning international organizations, government agencies, and scientific forums "by attending meetings and seminars and meeting regularly with representatives of those groups."[14]

Throughout the 1980s and early 1990s, Gaisch and Marcovitch (and sometimes Helmut Reif) met with scientists and health officials who were either affiliated with WHO or used in tobacco company strategies against WHO. These included Gaston Vettorazzi[15] (see Chapter VIII), Guiseppe Lojacono[16] (see Chapter IX), Heatherwick Ntaba[17] (see Chapter V) and others.[18] Philip Morris representatives regularly attended WHO-sponsored scientific meetings during this period. These tobacco company affiliated scientists were sometimes invited by WHO to attend the meetings,[19] sometimes presented papers,[20] and would report back to FTR afterwards.[21] It is unclear whether these company agents concealed their Philip Morris ties, although references to confidentiality and the use of

initials rather than names in some documents may be indications that they did.

By the mid-1980s, Philip Morris representatives who were later to become central to the Boca Raton Plan were extremely concerned about WHO and its tobacco control activities. In January of 1986, a WHO report on "The Adverse Health Effects of Tobacco Use" set off a series of responses from the companies. A point-by-point critique of the report was drafted.[22] This critique (or a similar one) was sent to top executives of PMI for use "in lobbying against the proposals now being considered in Geneva by the WHO Executive Board," along with strict instructions not to give the critique to third parties.[23]

When the WHO report led to a resolution entitled "Tobacco or Health," proposed at the 1986 WHA, the corporate staff of PMI were sent an internal memo about the need to oppose the resolution and the report, which was described as "emotive, inaccurate and a clear indication of the politicization of WHO and the strong anti-business activities of this world body."[24] The memo stated that the company had already conducted regional luncheons with ambassadors from Africa, Asia and Latin America, and that these diplomats were "generally favorable to industry position" that the proposed resolution would have an undesirable socio-economic impact.

Staff members were instructed to engage the company's global network of subsidiaries, affiliates, suppliers, distributors and licensees in a campaign to use the International Chamber of Commerce (ICC) to defeat the resolution:

"2. ICC Action Alert.

"Because of anti-private sector prejudice and adversarial approach to business and consumers reflected in the WHO report, The International Chamber of Commerce has sent out an Action Alert to all ICC National Committees urging them to communicate to their national governments the concerns of the business community…

"3. PM Action.

"We ask you to contact subsidiaries, affiliates, licensees and those with whom we have manufacturing arrangements in your Region to enlist their support and ask them, where they are members, to contact the ICC National Committees… and urge them to:

"A) take very seriously the anti-business prejudice reflected in the WHO resolution;

"B) mobilize their members into a forceful lobby and approach the Ministries most negatively affected by this anti-business activity of WHO—namely the Ministers of Agriculture, Trade/Economics, Foreign Affairs, Finance and Labor and;

"C) encourage those Ministers to make their positions known to the Minister of Health or whomever will be representing their country at the WHA.

"Although the Action Alert is coming from the ICC, Chambers are not accustomed to such advocacy positions and they will need your strong support and encouragement…"[25]

The tobacco companies' sweeping, but largely unsuccessful, efforts to derail the WHO Tobacco or Health resolution are described in detail in a 448-page report from

a 1986 INFOTAB workshop in Brussels,[26] attended by dozens of top tobacco company officials and consultants. Much of the workshop was devoted to analysis of the strengths and weaknesses of the strategies employed against the WHO resolution, in an apparent effort to prepare for future battles against WHO tobacco control initiatives.

2. The Boca Raton Meeting

The meeting from which the Action Plan took its name was held from November 29 through December 3, 1988, in Boca Raton, Florida, USA.[27] Present for the meeting, which included an opening dinner speech by PMI President Geoffrey Bible, were senior corporate affairs executives from Philip Morris offices around the world, along with several senior representatives of the company's law firms and public relations agencies.

The agenda for the meeting included an entire day devoted to the theme of "Opponents and Allies, PMI Action Plans," beginning with a presentation by an INFOTAB representative on "International opponents and allies (includes description of NMA [National Manufacturer's Association] network, activities with European APC, WHO, IOCU, UICC and current status of industry cooperation)."[28] This was followed by a series of presentations on "Coalition building efforts," which introduced several organizations created or partially funded by Philip Morris that would become active in the Boca Raton Action Plan.

One presentation concerned the Institute for International Health and Development (IIHD), the "non-profit educational foundation"[29] headed by Paul Dietrich and housed in Washington, DC, USA, at Catholic University, which appears to have received indirect funding from Philip Morris. A 1991 Philip Morris Corporate Affairs budget document lists a US$240,000 contribution to Catholic University.[30] IIHD also received funding from Kraft, a Philip Morris food subsidiary.[31] There were three other non-profit organizations, which were also represented and discussed at this meeting: LIBERTAD, The New York Society for International Affairs and the AECA. All three received large corporate contributions from Philip Morris, and were headed by PMI's Vice-President of Corporate Affairs, Andrew Whist.

The first of these groups, LIBERTAD, was an organization that recruited high profile spokespersons to defend commercial free speech and oppose tobacco advertising restrictions.[32] Incorporated as a non-profit organization, it appears to have been primarily supported by Philip Morris, as shown in the previously mentioned Corporate Affairs budget document, which lists a US$200,000 contribution to LIBERTAD.[33] News articles in the *Milwaukee Journal Sentinel,* based on US tax records and an interview with Whist, state that LIBERTAD was headed by Whist[34] and that its entire 1994 budget of US$219,000 came from Philip Morris.[35]

The other non-profit organizations, the New York Society for International Affairs and the AECA, had the function of promoting international trade and understanding while allowing Philip Morris access to high-ranking officials, who were sometimes provided subsidized travel to exotic destinations. The documents show that in 1991, Philip Morris contributed US$80,000 to the New York Society for International Affairs and US$150,000 to AECA.[36] The *Journal Sentinel* articles state that the New York Society was also headed by Whist;[37] and received 98% of all its contributions in the period from 1991 to 1995 from Philip Morris.[38] Another article,

in the *Wall Street Journal*, which is also based on interviews with Whist and US tax records, corroborated that Whist was president of the New York Society and that it operated from "offices" that Whist described as "a chair in my apartment."[39]

The articles also state that Whist headed the AECA[40] and that, while AECA declined to reveal how much of its funding was provided by Philip Morris, Whist described the company as "certainly a large contributor."[41] As indicated in Bible's memo, which is discussed below, Whist is instructed to "[m]aximize use" of the New York Society and AECA, which are referred to as "vehicle[s]."[42]

After the 1988 Corporate Affairs meeting in Boca Raton, Bible prepared the Boca Raton Action Plan, a comprehensive memo assigning responsibilities for the 26 issues that emerged from the meeting. Responsibility for issues related to WHO was assigned to Bible's head of Corporate Affairs, Andrew Whist, along with Whist's colleague Cynthia von Maerestetten and PMI's Director of Communications, Don Harris.

Bible started this memo by informing his subordinates that WHO "has extraordinary influence on government and consumers, and we must find a way to diffuse this and re-orient their activities to their prescribed mandate."[43] He suggested using Philip Morris' food subsidiaries to help governments with their food problems, in order to give the company "a more balanced profile" with those governments to help offset WHO's influence. Bible further proposed re-inventing INFOTAB and CORESTA, suggesting that, "…we change the objectives of these organizations to make them active representatives for our industry's efforts to maintain its freedoms." He goes on to propose that CORESTA "[c]ould be a good platform to turn WHO back to its real mandate."[44]

Bible's next priority was the ILO, where "the aim is to inhibit incorporation of ILO into WHO Anti-Smoking Program." Bible suggested that the company "[t]ake urgent steps to contact Worker/Employer leaders of these groups in the ILO Governing Body." Bible also expressed concern about his native Australia's use of cigarette tax proceeds to buy out tobacco sports and cultural sponsorships. "This emerged from WHO's program," Bible pointed out. "This is a very effective strategy that we must stop. The question is how?"[45]

In addressing other issues, Bible instructed his head of Corporate Affairs, Whist, to "[m]aximize use of" the New York Society and the AECA, "especially in Asia." Bible also expressed a need for "policies, strategies, and arguments which the Regions can call upon in destroying attempts by governments and others to reduce MCL's [Maximum Constituent Limits on tar, nicotine or other tobacco constituents.]"[46] In addition, responsibilities were assigned for twenty other broad issues, from scientific seminars to "document retention," warning labels, additives and preparations for release of a US Surgeon General's Report.

C. Implementation of the Plan

Status reports on the implementation of the plan were prepared every two months from January 31, 1989 through September 30, 1989, followed by a final summary on October 30, 1989. These reports are in the form of outlines or lists of accomplishments under each of the 26 issues addressed in the plan. The reports refer in turn to numerous detailed appendices, which were originally attached to the reports, but which are rarely included in the electronic versions of the reports posted on Philip Morris' document

web site or at the Minnesota Document Depository. With considerable effort, the committee of experts' researchers were able to locate many of these attachments by searching the Philip Morris website and the Minnesota document depository, but several crucial documents could not be located. Other tobacco company documents were used to fill in these gaps when possible.

1. January Status Report

The first status report on implementation of the plan, in January 1989, included a separate attachment on strategies for undermining WHO programs. This unattributed memo, identified as Appendix A and entitled "WHO/IOCU/UICC: Strategies and Tactics,"[47] is described in the status report as a "discussion paper submitted to GCB"[48] (presumably Geoffrey Bible). It details the company's plans for countering the tobacco control initiatives of WHO, calling for the creation of a "parallel superstructure" comparable to that of WHO. It proposes not only strategies for attacking WHO's tobacco programs, but a second, separate campaign to influence the priorities of WHO's Regional Offices and a more fundamental assault on the structure, management and resources of WHO itself. The author explains to Bible:

> "WHO's impact and influence is indisputable…the anti-smoking movement is now so intertwined…that chopping off one arm, or the head, should not be viewed as a quick fix to containment.…WHO targeted initiatives almost require a parallel superstructure. INFOTAB provides an existing base which could, with a clear mandate, form the basis of networking outwards and regionally as a parallel force. Any initiatives with respect to the WHO depend on…whether INFOTAB's mandate would include some very specific activities with respect to the WHO and its related network. Counter measures designed to contain/neutralize/re-orient the WHO require three elements:
>
> "1. STRUCTURAL - direct and indirect initiatives towards the organisation itself, its management, its resource allocation, its priorities.
>
> "2. REGIONAL - integrated but separate plans targeted to WHO's six regional bodies.
>
> "3. ISSUES FOCUS –specific strategies and plans to blunt their programme initiatives."[49]

Several pages of this appendix are dedicated to ways in which the company's food subsidiaries could be used to create avenues into the WHO, ILO, and FAO, as well as member nations' governments, offering "the possibility of neutral ground from which one can network around the periphery of the WHO." The author continues with a 'shopping list' of other ideas:

> "2. There is currently a vacancy in the WHO Food Safety Bureau; they are looking for an industry expert to be 'donated' to the WHO to act as a liaison with business. If there is someone at Kraft/GF [General Foods] who possesses the skills, we should consider offering his or her services for a one to two year period.

"3. We should explore the feasibility of developing relationships with the regional offices of WHO which act relatively autonomously and are always looking for additional funding. Through one of our corporate contributions to a programme for the handicapped in the PRC, an initial good contact was established within the regional WHO office.

"4. WHO's smoking initiative is receiving some significant 'outside' funding. The Japanese Shipbuilders Association, for example, has handed over $600,000. There are a variety of avenues which should be explored with respect to containing funding from private sources.

"…We will not be successful unless our strategy also attacks the issues/programmes. We know what the WHO's hit list of issues are but on many of them we have no real position and certainly no plan. We need to identify the three countries in each region that the WHO will be targeting for special funding and muscle and…allocate the resources necessary to stop them in their tracks. We need clear positions…and a well developed strategy for a number of issues to which the WHO has given priority status. Examples include:

"-women and smoking

"-juvenile smoking

"-tobacco tax earmarking/sponsorship buyouts

"-developing countries/marketing practices"[50]

More insight into Philip Morris' plans for attacking WHO can be gained from two additional attachments to the January status report, discussing the possible roles of tobacco company bodies CORESTA and INFOTAB. In the first of these attachments, Helmut Gaisch, Director of PME FTR in Neuchatel, Switzerland, focuses on the use of CORESTA as a political lobbying force:

"These are my ideas on the possible use of CORESTA in a general lobbying effort aimed at dissuading WHO from continuing with their broad-based health advocacy programmes.

"Apart from WHO as the final target organisation, we have given consideration to the following players: The FAO, the ILO and politicians from individual countries, in particular from the third world….

"It is … quite conceivable to add a political programme to the present CORESTA activities…. For this, persons have to be chosen who have, besides their technological background, the necessary skills for political work. A possible strategy would be to concentrate on national politicians in order to strengthen their position when defending tobacco as a cash crop. Individual countries and the FAO should be encouraged to challenge the use of individual funds by the WHO on health advocacy programmes which are aimed at changing the behavior of the populations rather than to improve the general health and the economic status of the populations concerned."[51]

Citing a statement by Ntaba of Malawi at WHO's Executive Board meeting in January 1988, that the tobacco industry "plays a crucial part in the economy of many countries and its disappearance will contribute to their disintegration," Gaisch proposed the "[e]stablishment of a work

programme consisting largely of a visiting schedule of key people in third-world countries (ministries of finance, agriculture, commerce and/or health) and national delegates to the FAO, Rome and WHO, Geneva."[52]

The attachment to the January status report concerning INFOTAB (Appendix I) is even more revealing. Entitled "INFOTAB, January 1989 DISCUSSION PAPER, Pro-active Options," it begins with a menu of ten possible approaches:

"1. Mobilize Global Agro-Lobby

2. Manage F.A.O. Lobby

3. Attack W.H.O.

4. Negotiate with W.H.O.

5. Direct Global E.T.S. Programme

6. Publish Industry Magazine

7. Organize Defence – Commercial Freedoms

8. Attack I.O.C.U.

9. Improve National Association Quality

10. Strengthen Regional Defence Mechanisms"[53]

The memo then elaborates on possible goals, structure, benefits and negatives of each of these ten options. For example, in discussing the third option, "Attack W.H.O. Programme Goals," the author suggests having INFOTAB:

1. "Criticise budget management
2. Address health priorities
3. Expose resource blackmail
4. Highlight regional failures
5. Attack 'behaviorism'
6. Counter on public issues
7. Discredit activists' credentials
8. Engage in statistical warfare
9. Invest in press relations
10. Show impact of 'cuckoo' organisations"[54]

Examples of the many suggested tactics for implementing other options include:

- "Split F.A.O./W.H.O."
- "Destroy crop substitution myths"
- "Counter W.H.O. crop propaganda"
- "Support smoker universe"
- "Influence target opinion leaders"
- "Correct media imbalance"
- "Lay foundation for Perth 1990" [Conference on Tobacco OR Health]
- "Test 'Libertad' derivatives"
- "Discredit key individuals"
- "Develop regional threat analyses"[55]

This document offers insight into the tobacco company's strategic philosophy and planning process. Ultimately, most of these tactics appear to have been used to some degree to undermine WHO.

Finally, the January status report makes reference to an important additional attachment that does not appear to have been

disclosed by Philip Morris. Under the heading "ILO: Prevent adoption of WHO [tobacco control] programme," the status report cites a separate report to Geoffrey Bible from Andrew Whist, concerning efforts to discourage the ILO from supporting WHO activities.[56] This issue had been listed as the third item in Bible's original plan and was clearly a company priority. The committee was unable to locate this document on the Philip Morris document website or in the Minnesota Document Depository.

2. March Status Report

By March 1989, Philip Morris was able to report the following achievements in implementing the Action Plan:

> "Distribution of the first publication of the Institute for International Health and Development to 20,000 international opinion leaders.
>
> "Through Institute, financial budget analyst from Congressional Budget Office…retained to analyze and publish past two WHO budgets and new (1990/91) budget.
>
> "Initiative underway to obtain back-up on WHO extra-budgetary resources and contributors…
>
> "INFOTAB conducting briefing sessions in Geneva…for ambassadors to UN…as well as briefings for permanent representatives to the FAO.
>
> "Consulting firm retained by INFOTAB to monitor/advise on WHO, Geneva and regional office activity."[57]

The first reference is to the initial issue of Paul Dietrich's journal, *International Health and Development*, which had been distributed to 20,000 international opinion leaders, evidently including UN ambassadors, WHO delegates, health ministers and other NGO representatives (as described in the later Boca Raton status reports). By this time, Philip Morris had also begun using INFOTAB to lobby United Nations ambassadors and FAO representatives in Geneva.

Finally, as mentioned earlier, the reference to an unidentified "initiative…to obtain backup" on external contributors to WHO invites further inquiry into the nature of these efforts.

3. May Status Report

On May 31, 1989, shortly after the WHA, the company reported accomplishments under the plan included:

> "Publication of "Wall Street Journal" article to coincide with annual WHA meeting.
>
> "'WHO Action Plan' approved by INFOTAB Board of Directors…
>
> "Action Plan for monitoring international tobacco growers [ITGA] approved by INFOTAB Board of Directors…
>
> "WHO budget analyses proceeding on target."[58]

The first item refers to publication of one of Paul Dietrich's frequent columns criticizing WHO priorities, timed to coincide with the WHA and World No Tobacco Day.[59] These submissions became an annual event. Articles by Dietrich attacking WHO appeared in the *Wall Street Journal* or the *International Herald Tribune* prior to the May WHA each year from 1988-1992. (See Chapter VI.)

By this time, INFOTAB's Board of Directors had apparently approved Philip Morris' plan to expand INFOTAB's role in opposing WHO and in increasing the political influence of the ITGA.

4. July Status Report

In July, the following activities were reported:

> "Merchandising of May 9, 1989 'Wall Street Journal' article underway.
>
> "Under auspices of Institute for International Health and Development, luncheon and WHO "pitch" scheduled…for Health Ministers for PAHO meeting.
>
> "Former ILO Director-General Francis Blanchard appointed to Board of Directors, Institute for International Health and Development.
>
> "Smokers' clubs in Norway, Sweden and Denmark launched counter-offensive to WHO No-Tobacco Day in May…PM has succeeded in getting Swiss NMA to contribute financial support (SFR 80,000) to Swiss Smokers' Club…actively lobbying government officials"[60]

The first item refers to the "merchandising" of Dietrich's *Wall Street Journal* article to numerous additional newspapers, magazines and trade journals.[61] Variations of the article, and stories praising Dietrich and the work of IIHD, appeared in dozens of newspapers around the US and other parts of the world, never mentioning ties to the tobacco companies. (See Chapter VI.) Dietrich, who was soon to become a member of the PAHO Development Committee, was scheduled to give a luncheon speech to Latin American health ministers about the misguided nature of WHO's priorities.

5. September Status Report

In September, the company reported:

> "Summer issue of 'International Health & Development' distributed to 25,000 government officials, policy makers and journalists.
>
> "Institute for International Health and Development presentation to 27 Ministers of Health from Latin America on WHO priorities and budgetary deficiencies…in Washington.
>
> "Through ITGA, "lobby kit" containing FAO report on "Economic Significance of Tobacco" and other economic impact data provided to… Ministers of Health and to participants at all six regional WHO meetings during month of September.
>
> "WHO article (based on "Wall Street Journal" article) to be placed in "El Excelsior," largest circulation daily in Mexico.
>
> "WHO Eastern Mediterranean Regional Office (EMRO)…endorsed decision to drop policy of…tar and nicotine reductions from its anti-smoking programme.
>
> "'Statistics of Shame', a PMI preemptive strategy, plan of action and programme proposal regarding WHO completed for distribution/presentation/review…."[62]

The first reference is to the second issue of Dietrich's journal, which again contained anti-WHO articles and was widely distributed to international opinion leaders.

By this time, the 'merchandising' of Dietrich's *Wall Street Journal* article had led to publication in Mexico's most widely circulated daily newspaper, *El Excelsior*, and Dietrich had given his speech to Latin American Health Ministers attending a PAHO meeting in Washington D.C., who are also reported to have received an FAO report and ILO data emphasizing the economic benefits of tobacco farming. The report also claimed that these materials had been widely distributed at WHO regional meetings, and that WHO's EMRO had abandoned an MCL policy opposed by tobacco companies.

Despite the report's reference to a Philip Morris anti-WHO initiative entitled "Statistics of Shame," the committee of experts was unable to locate any documentary record of this program in either the Philip Morris online database or the Minnesota document depository.

6. Final Plan Summary Report, October 30, 1989

Although much of the October wrap-up report reiterates the accomplishments of prior months, the report describes some new activities and provides additional details of previous ones. The report confirms that Philip Morris succeeded in using tobacco company-controlled surrogates and the international media to spread criticism about WHO and undermine its tobacco control work. Non-profit organizations acting under Philip Morris' influence or control, including the New York Society for International Affairs and AECA, had met with dozens of senior international officials, including heads of state, vice presidents, foreign ministers, and members of parliament, as well as the Directors-General of the FAO and ILO.

The report lists the following activities specifically intended to accomplish "WHO/IOCU Redirection/Containment Strategies":

"1. Monitoring

- Through INFOTAB or PM, monitoring mechanisms in place for regional WHO offices/activities.

"2. Institute for International Health and Development:

A. Magazine to 25,000 opinion leaders, government officials.

- Magazine articles as op-eds [editorials] in the US, Latin America and Europe.
- Analysis of WHO budget 1980-1991; Wall Street Journal (US & Europe); op-ed pieces.
- Briefing for international press following May [1989] WHA meeting in Geneva.
- Presentation to 27 Ministers of Health and other delegates to annual PAHO meeting in Washington.

"3. International Tobacco Growers Association (INFOTAB)

- 8 member countries [of ITGA].
- "lobby kit" utilizing FAO report on "Economic Significance of Tobacco" and ILO employment/unemployment statistics provided to delegates of PAHO meeting and other 5 regional WHO meetings…

"4. "Statistics of Shame" a PMI pre-emptive strategy, plan of action and program to:

- deflect attention from 1990 World No-Smoking Day

- Put WHO on defensive

- provide long-term basis for redefining WHO mandate."[63]

INFOTAB had by now been transformed from an information clearinghouse to a new "action orientation," with Philip Morris USA's Chairman, Frank Resnik, at its helm. The report lists INFOTAB activities including briefing UN ambassadors from Latin America and Africa, briefing FAO representatives, and distribution of a lobby kit to WHO regional meetings.

Efforts to prevent the ILO from supporting WHO programs had included a meeting with the new Director-General, Michel Hansenne, at one organization utilized in the Boca Raton Action Plan, the New York Society for International Affairs, and the appointment of his predecessor, Francis Blanchard, to the board of another, the IIHD. Meanwhile, Philip Morris' Eastern European Middle East and Africa division (EEMA) had retained a former Deputy Director-General of ILO as a "consultant on taxation issues with respect to the labor movement" and was in the process of expanding this consulting assignment.[64]

The memo also reported that European tobacco growers had successfully pressured the EEC (now the EU) to modify its position on deadlines for tar and nicotine reductions,[65] but it is unclear what role Philip Morris may have played in this process.

7. After the Boca Raton Action Plan

Following the conclusion of the Boca Raton Action Plan in October 1989, the Corporate Affairs department of Philip Morris International prepared a plan for 1990.[66] Among eight elements was one entitled "Anti-Tobacco Network: Question WHO Strategy on Tobacco," describing the company's plans for continuing to counteract WHO's tobacco control work. The document indicates that Philip Morris planned to:

- "Publicize FAO and ILO papers on tobacco

- Identify expert spokespeople on FAO/ILO study and prepare media plan

- Encourage membership of ITGA to assist relationship with FAO

- Test WHO regions office support on WHO priorities in Latin America

- If WHO regional office strategy is successful in Latin America, apply in Africa, Philippines and India, encouraging WHO to redirect its priorities to its original mandate

- Request GAO to review US funding priorities of WHO

- Work with journalists to question WHO priorities, budget, role in social engineering, etc., prior to WHA May 1990 meeting

- Prepare program to address April 1990 Conference on Smoking and Health (WCTOH) including ITGA, expert spokespeople, journalists, LIBERTAD conference

- Approach allies in large tobacco growing countries to raise questions about WHO priorities e.g. Latin America Tobacco Council, Minister of Health of Malawi [Ntaba]

- Assist smokers groups to join consumer associations

- Establish 'think tank' to develop strategies on WHO/IOCU including consideration of conference on priorities, extremism"[67]

Philip Morris' continuing preoccupation with WHO was evident in a speech delivered by the Chairman of Philip Morris USA (and newly appointed Chairman of INFOTAB), Frank Resnik, in opening the INFOTAB International Conference in Hong Kong in October 1989.[68] Notwithstanding other threats facing the tobacco companies, Resnik focused the bulk of his comments on WHO, making clear that Philip Morris' philosophy is not merely to defend itself, but to attack its adversaries. As Resnik put it, "defense alone never won a battle."[69]

> "First, we must seize the initiative in the environmental tobacco smoke debate by exposing the inaccuracies that have been emanating from the anti-tobacco militants, and by establishing our industry and INFOTAB as sources of truthful, scientifically valid information.
>
> "It is imperative that we take our case forcefully and confidently to consumers, the media, governments at all levels and the World Health Organization and its sister UN organizations.
>
> "Second, we have to build a network within our industry to carry—or should I say market—our scientific validity throughout the world.
>
> "An important part of this network is the International Tobacco Growers Association, which is being mobilized into a support system on a number of issues.
>
> "Part of this job is to remind tobacco growers around the world of their potential political strength.
>
> "A third task is to complete the regional structure that will act as a counterweight to that of the World Health Organization…and other anti-tobacco organizations.
>
> "I want to <u>emphasize</u> that this <u>regional structure</u> exists to <u>combat</u> anti-tobacco activity as well as defend against it. <u>Defense alone never won a battle</u>."[70] [Emphasis in original.]

After suggesting that WHO had been duped into an erroneous position on ETS issues, Resnik argued that WHO was "squandering precious funds on anti-smoking propaganda" when it should instead "immunize babies" and "sanitize water supplies."

> "…WHO…is being fed inaccurate, often intentionally deceitful information on ETS by organizations desiring to use WHO for their own purposes ….
>
> "In its 1989 report on the state of the world's children, the United Nations Children's Fund estimated that at least half a million children died over the twelve month reporting period in countries suffering declining economies. Dehydration alone still claims thousands of young lives a day.
>
> "And yet…in the face of this tragic condition, WHO continues to insist on squandering precious funds on anti-

smoking propaganda based on incomplete and inaccurate documentation, funds that could be used to immunize babies, to sanitize water supplies, and to subsidize and improve medical care."

Resnik goes on to suggest that WHO would rather not be seen as, "an unwitting accomplice of cynical groups seeking to advance their own anti-tobacco agendas." He proposes an alternative:

> "Thus, our strategy, which is built on a foundation of scientific validity and unbiased, realistic investigation, can be a powerful medium for marketing the world tobacco viewpoint.
>
> "We must market that viewpoint to WHO, to other U.N. agencies, to the world's scientific community and to the public…"[71]

Although the Hong Kong INFOTAB conference at which Resnik spoke also included presentations concerning tobacco companies' experiences with regional WHO organizations and programs,[72] the committee of experts was unable to locate documents from these sessions on the Philip Morris document website or in the document depositories.

D. Conclusions

1. Impact of the Boca Raton Plan

The impact of the Boca Raton Action Plan must be judged in the context of its entire set of goals and strategies. The Plan was remarkable in its scope, encompassing 26 wide-ranging and ambitious goals, to which Philip Morris dedicated its top executives, scientists, attorneys and consultants, as well as extensive financial resources. It was organized internationally, coordinating all of the company's regional offices and using both tobacco company organizations and "independent" groups to accomplish an impressive list of achievements.

Other sections of the Boca Raton and Philip Morris Corporate Affairs documents indicate that Philip Morris was successful in averting, and in some cases, reversing, restrictions on smoking in workplaces, restaurants and airplanes,[73] in defending its ability to advertise and promote its products with few restrictions,[74] and in preventing increases in cigarette excise taxes.[75] These accomplishments are not examined in this case study, because they do not directly involve WHO, although they are likely to have prevented decreases in smoking within affected WHO member states. Philip Morris may also have been successful in influencing public perceptions about WHO and its tobacco control policies, as well as influencing other UN agencies and member states to resist WHO tobacco control initiatives.

As one of the world's largest multinational corporations, Philip Morris had the advantage of an international structure which is, in many ways, parallel to that of WHO, with regional offices in several of the same countries or areas of the world, including Philip Morris' research and development center (FTR) in Switzerland, near WHO headquarters. These local offices allowed Philip Morris personnel to develop relationships with WHO and UN contacts, especially in Geneva.

Philip Morris' powerful business interests and ties with other tobacco companies enabled it to use organizations such as the ICC and the ITGA to influence international agencies that, in turn, have influence on WHO. Through surrogates, Philip Morris was able to meet with

numerous senior officials of both national governments and international organizations, including current and former Director-Generals of the ILO and FAO.

Whether or not the ILO was prevented from adopting the WHO tobacco control program is unclear, but it does appear that both the ILO and FAO published reports supporting the tobacco companies' argument that tobacco farming is essential to the economic and social health of some developing countries. According to the Boca Raton documents, these reports were widely distributed within WHO's regional structure, and anti-WHO publications secretly funded by Philip Morris were widely circulated to international leaders, ambassadors, journalists and health ministers.

Perhaps more significant than any specific policy achievement of the Boca Raton Action Plan, however, was its erection of elaborate and well-concealed mechanisms for sustained opposition to the WHO -- what one Philip Morris memo called "a parallel superstructure," or what the Chairman of Philip Morris USA called a "counterweight to that of the World Health Organization," designed to "combat anti-tobacco activity as well as defend against it." Today, a decade after these mechanisms were set in place, it is likely that they will be mobilized again for action against WHO's Tobacco Free Initiative and the proposed Framework Convention on Tobacco Control. If these predictions are correct, the Boca Raton Plan may offer more than insight into the past: it may offer a preview of what lies ahead.

2. Suggestions for Further Investigation

Many Boca Raton documents are in the form of lists or outlines, with frequent references to related reports or discussion papers. As noted in the case study, a number of these attachments could not be located on the Philip Morris document website or in the Minnesota document depository. Documents related to the "Statistics of Shame" project, and Andrew Whist's missing January 1989 report to Geoffrey Bible on efforts to keep the ILO from supporting WHO programs, are just two examples.

In addition, the committee of experts did not interview Philip Morris officials who might be able to shed light on the results of some of the strategies described in the Boca Raton Action Plan. For example, Andrew Whist, whom the committee of experts could not locate, was responsible for those elements of the Boca Raton plan directed most specifically toward WHO and was closely involved with several of the tobacco company front groups discussed in this report. The committee of experts believes that Whist might be able to answer questions left open by this report, as might Philip Morris' Neuchatel employees Helmut Gaisch and Iancou Marcovitch.

E. Recommendations

This case study supports many of the more specific recommendations set out and discussed in a later section of this report. In particular, this study further documents the tobacco companies' use of third parties, front groups and institutions that conceal their company affiliations to gain credibility. WHO employees, leaders and delegates of its member nations, the media and the general public all need to be made aware of such tobacco company tactics.

1. WHO should encourage and support efforts to identify and publicize the roles of third-party front groups and surrogates

acting under the influence of tobacco companies.

This case study also suggests that tobacco companies may have succeeded in using UN agencies such as the ILO and FAO to support the tobacco companies' agenda. WHO should encourage increased communication and collaboration among UN agencies, to resist tobacco company influence.

2. WHO should urge other UN organizations to investigate possible tobacco company influence on their decisions and programs, and to report their findings publicly.

3. WHO should advocate implementation and consistent enforcement of effective conflict of interest and ethics policies throughout UN agencies.

4. WHO should work to involve other UN agencies more actively in the formulation and promotion of tobacco control initiatives, and, to the extent possible, should take responsibility for actively promoting more united and consistent positions among all UN agencies on issues related to tobacco control.

Finally, WHO should help protect the Framework Convention on Tobacco Control from improper tobacco company influence by working to identify any "behind the scenes" role of the tobacco companies in objections to the Convention voiced by member nations or other organizations. WHO should assume that the tobacco companies will use tactics described in this and other case studies to attempt to undermine the Framework Convention and other global tobacco control efforts.

5. WHO should develop a sophisticated communications campaign to support the Framework Convention on Tobacco Control and counter any campaign of opposition by tobacco companies.

Notes

1. Resnik F. *[Remarks by Frank E. Resnik at Infotab Conference Hong Kong]*. October 17, 1989. Philip Morris Companies Inc. 2025849951–9989 at 9967. www.pmdocs.com. UQ 33707.

2. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5260. www.pmdocs.com. UQ 33561.

3. *Boca Raton Action Plan: Status Report for the Period Ending January 31, 1989.* January 31, 1989. Philip Morris Companies Inc. 2500103969–4056 at 3969. www.pmdocs.com. UQ 32863.

4. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.

5. *Boca Raton Action Plan: Status Report for the Period Ending March 30, 1989.* March 30, 1989. Philip Morris Companies Inc. 2021592611–2633 at 2612. www.pmdocs.com. UQ 32847.

6. Interview with Neil Collishaw, Former Director of WHO's Tobacco or Health Program, January 26, 2000.

   Interview with Dr. Yuji Kawaguchi, Director of WHO Center in Kobe, Japan, May 15, 2000.

7. Gaisch H. *Executive Report of Activities S&T Neuchatel February 1992.* February 9, 1992. Philip Morris Companies Inc. 2501254590–4597 at 4595. www.pmdocs.com. UQ 33706.

8. Gaisch H. *Monthly Report Highlights January 1988.* January 31, 1988. Philip Morris Companies Inc. 2501152192–2205 at 2201. www.pmdocs.com. UQ 33564.

Gaisch H. *Monthly Report Highlights May 1987.* May 31, 1987. Philip Morris Companies Inc. 2028465009–5023 at 5013. www.pmdocs.com. UQ 33562.

9. *Boca Raton Action Plan: Status Report for the Period Ending September 30, 1989.* September 30, 1989. Philip Morris Companies Inc. 2501204997–5021 at 4997. www.pmdocs.com. UQ 32861.

10. Gaisch H. *Boca Raton Follow–Up.* January 30, 1989. Philip Morris Companies Inc. 2501045270–5271. www.pmdocs.com. UQ 32833.

Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989. October 30, 1989. Philip Morris Companies, Inc. 2503005015–5050 at 5034. www.pmdocs.com. UQ 32861.

11. Gaisch H. *Monthly Report Highlights January 1988.* January 31, 1988. Philip Morris Companies Inc. 2501152192–2205 at 2201. www.pmdocs.com. UQ 33564.

12. Bice D, Shultze S. Thompson seeks checks on travel. *Milwaukee Journal Sentinel Online*, August 1, 1997. www.jsonline.com/archive/aug97/0801nga.stm.

Shultze S, Bice D. Philip Morris helped fund trips. *Milwaukee Journal Sentinel Online*. July 30, 1997. www.jsonline.com/archive/july97/0730tommy.stm.

Boncompagni T, Abramson J. Tobacco–funded group gives legislators free trips. *Wall Street Journal*. August 4, 1997; A20.

Whist A. *[Letter to Ted L. re: Libertad]*. June 29, 1993. Philip Morris Companies Inc. 2024210559–0560. www.pmdocs.com. UQ 33584.

Philip Morris International, Inc. Corporate Affairs' Presentation. April 23, 1991. Philip Morris Companies Inc. 2500122612–2643 at 2636. www.pmdocs.com. UQ 33583.

13. Gaisch H. *Extramural and Defensive Activities Objectives and Strategies.* July 8, 1983. Philip Morris Companies Inc. 2501001600–1606 at 1605. www.pmdocs.com. UQ 33713.

14. Gaisch H. *Extramural and Defensive Activities Objectives and Strategies.* July 8, 1983. Philip Morris Companies Inc. 2501001600–1606 at 1600. www.pmdocs.com. UQ 33713.

15. Gaisch H. *Monthly Report Highlights June 1991.* June 29, 1991. Philip Morris Companies Inc. 2021599204–9218 at 9216. www.pmdocs.com. UQ 33563.

16. Gaisch H. *Monthly Report Highlights December 1988.* December 31, 1988. Philip Morris Companies Inc. 2501152054–2064 at 2053. www.pmdocs.com. UQ 33565.

17. Gaisch H. *Monthly Report Highlights January 1988.* January 31, 1988. Philip Morris Companies Inc. 2501152192–2205 at 2201. www.pmdocs.com. UQ 33564.

Gaisch H. *Monthly Report Highlights May 1987.* May 31, 1987. Philip Morris Companies Inc. 2028465009–5023 at 5013. www.pmdocs.com. UQ 33562

18. Gaisch H. *Monthly Report Highlights April 1984.* April 30, 1984. Philip Morris Companies Inc. 2028465337–5339 at 5339. www.pmdocs.com. UQ 33722.

Gaisch H. *Monthly Report Highlights December 1984.* December 12, 1984. Philip Morris Companies Inc. 2501000827–0830 at 0827–0828. www.pmdocs.com. UQ 33721.

19. Crettaz U. *WHO Monitoring.* October 16, 1991. Philip Morris Companies Inc. 2028463319. www.pmdocs.com. UQ 33710.

WHO Regional Office for Europe. *Provisional List of Participants.* October 29, 1991. Philip Morris Companies Inc. 2028381005–1010 at 1006. www.pmdocs.com. UQ 33712.

20. Gaisch H. *Monthly Report Highlights September 1987.* September 30, 1987. Philip Morris Companies Inc. 2001160764–0780 at 0778. www.pmdocs.com. UQ 33709.

21. Gaisch H. *Monthly Report Highlights December 1991.* December 31, 1991. 2028441277–1284 at 1283. www.pmdocs.com. UQ 33711.

Atteslander P. *[Report on the International Conference "Public Health in the Year 2000"]*.

December 5, 1991. Philip Morris Companies Inc. 2028380999–1004. UQ 33723.

22. *Critique of WHO Report/Draft Resolution.* May, 1986. Philip Morris Companies Inc. 2501115856–5860. www.pmdocs.com. UQ 33703.

23. Cullman H. *[Memo to Francisco Moreno].* January 2, 1986. Philip Morris Companies Inc. 2025029452. www.pmdocs.com. UQ 33702.

24. Pottorff M. *World Health Assembly (WHA) Geneva, 5–16 May, 1986*. April 21, 1986. Philip Morris Companies Inc. 2501445996–5999 at 5996. www.pmdocs.com. UQ 33704.

25. Pottorff M. *World Health Assembly (WHA) Geneva, 5–16 May, 1986*. April 21, 1986. Philip Morris Companies Inc. 2501445996–5999 at 5996–5997. www.pmdocs.com. UQ 33704.

26. *INFOTAB International Workshop Brussels October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6709–6729. www.pmdocs.com. UQ 33566.

27. *Public Issues Meeting Boca Raton, Florida*. November 29, 1988. Philip Morris Companies Inc. 2024267284–7291. www.pmdocs.com. UQ 33554.

28 *Public Issues Meeting Boca Raton, Florida*. November 29, 1988. Philip Morris Companies Inc. 2024267284–7291 at 7287. www.pmdocs.com. UQ 33554.

29. *International Health & Development, Summer 1989.* Philip Morris Companies Inc. Philip Morris Companies Inc. 2501205023–5053 at 5025. www.pmdocs.com. UQ 33586.

30. *Philip Morris International, Inc. Corporate Affairs' Presentation.* April 23, 1991. 2500122612–2643 at 2636. www.pmdocs.com. UQ 33583.

31. Interview with Paul Dietrich, May 11, 2000.

32. Whist A. *[Letter to Ted L. re: Libertad]*. June 29, 1993. Philip Morris Companies Inc. 2024210559–0560. www.pmdocs.com. UQ 33584.

33. *Philip Morris International, Inc. Corporate Affairs' Presentation.* April 23, 1991. Philip Morris Companies Inc. 2500122612–2643 at 2636. www.pmdocs.com. UQ 33583.

34. Bice D, Shultze S. Thompson seeks checks on travel. *Milwaukee Journal Sentinel Online*, August 1, 1997. www.jsonline.com/archive/aug97/0801nga.stm.

35. Shultze S, Bice D. Philip Morris helped fund trips. *Milwaukee Journal Sentinel Online*. July 30, 1997. www.jsonline.com/archive/july97/0730tommy.stm.

36. *Philip Morris International, Inc. Corporate Affairs' Presentation.* April 23, 1991. Philip Morris Companies Inc. 2500122612–2643 at 2636. www.pmdocs.com. UQ 33583.

37. Bice D, Shultze S. Thompson seeks checks on travel. *Milwaukee Journal Sentinel Online*, August 1, 1997. www.jsonline.com/archive/aug97/0801nga.stm.

Boncompagni T, Abramson J. Tobacco–funded group gives legislators free trips. *Wall Street Journal*. August 4, 1997; A20.

38. Shultze S, Bice D. Philip Morris helped fund trips. *Milwaukee Journal Sentinel Online*. July 30, 1997. www.jsonline.com/archive/july97/0730tommy.stm.

39. Boncompagni T, Abramson J. Tobacco–funded group gives legislators free trips. *Wall Street Journal*. August 4, 1997; A20.

40. Bice D, Shultze S. Thompson seeks checks on travel. *Milwaukee Journal Sentinel Online*, August 1, 1997. www.jsonline.com/archive/aug97/0801nga.stm.

41. Shultze S, Bice D. Philip Morris helped fund trips. *Milwaukee Journal Sentinel Online*. July 30, 1997. www.jsonline.com/archive/july97/0730tommy.stm.

42. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris Companies Inc. 2021596422–6432 at 6429. www.pmdocs.com. UQ 32834.

43. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris Companies Inc. 2021596422–6432. www.pmdocs.com. UQ 32834.

44. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris

Companies Inc. 2021596422–6432 at 6428. www.pmdocs.com. UQ 32834.

45. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris Companies Inc. 2021596422–6432 at 6429. www.pmdocs.com. UQ 32834.

46. Bible G. *Corporate Affairs Conference / Action Plan*. December 13, 1988. Philip Morris Companies Inc. 2021596422–6432 at 6427. www.pmdocs.com. UQ 32834.

47. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at www.pmdocs.com. UQ 32846.

48. *Boca Raton Action Plan: Status Report for the Period Ending January 31, 1989.* January 31, 1989. Philip Morris Companies Inc. 2500103969–4056 at 3969. www.pmdocs.com. UQ 32863.

49. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5143. www.pmdocs.com. UQ 32846.

50. *WHO/IOCU/UICC: Strategies and Tactics.* January 31, 1989. Philip Morris Companies Inc. 2501045143–5147 at 5146. www.pmdocs.com. UQ 32846.

51. Gaisch H. *Boca Raton Follow–Up.* January 30, 1989. Philip Morris Companies Inc. 2501045270–5271 at 5270. www.pmdocs.com. UQ 32833.

52. Gaisch H. *Boca Raton Follow–Up.* January 30, 1989. Philip Morris Companies Inc. 2501045270–5271 at 5271. www.pmdocs.com. UQ 32833.

53. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5262. www.pmdocs.com. UQ 33561.

54. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5260. www.pmdocs.com. UQ 33561.

55. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268. www.pmdocs.com. UQ 33561.

56. *Boca Raton Action Plan: Status Report for the Period Ending January 31, 1989.* January 31, 1989. Philip Morris Companies Inc. 2500103969–4056 at 3989. www.pmdocs.com. UQ 32863.

57. *Boca Raton Action Plan: Status Report for the Period Ending March 31, 1989.* March 31, 1989. Philip Morris Companies Inc. 2021592611–2633. www.pmdocs.com. UQ 32847.

58. *Boca Raton Action Plan: Status Report for the Period Ending May 31, 1989.* May 31, 1989. Philip Morris Companies Inc. 2021592752–2764. www.pmdocs.com. UQ 32859.

59. Dietrich P. *WHO Spends Money on WHAT?* May 9, 1989. Philip Morris Companies Inc. 2501204822. www.pmdocs.com. UQ 33587.

60. *Boca Raton Action Plan: Status Report for the Period Ending July 31, 1989.* July 31, 1989. Philip Morris Companies Inc. 2023547120–7135 www.pmdocs.com. UQ 32860.

61. Burston Marstellar. *[Suggested Uses for Dietrich Article]*. Philip Morris Companies Inc. 2501047810–7812. www.pmdocs.com. UQ 33719.

62. *Boca Raton Action Plan: Status Report for the Period Ending September 30, 1989.* September 30, 1989. Philip Morris Companies Inc. 2501204997–5021. www.pmdocs.com. UQ 32861.

63. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050. www.pmdocs.com. UQ 32861.

64. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050 at 5040. www.pmdocs.com. UQ 32861.

65. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050 at 5033. www.pmdocs.com. UQ 32861.

66. *PMI Corporate Affairs Action Plan 1990.* November 2, 1989est. Philip Morris Companies

Inc. 2500019979–9999. www.pmdocs.com. UQ 33558.

67. *PMI Corporate Affairs Action Plan 1990.* November 2, 1989est. Philip Morris Companies Inc. 2500019979–9999 at 9980–9982. www.pmdocs.com. UQ 33558.

68. Resnik F. *[Remarks by Frank E. Resnik at Infotab Conference Hong Kong]*. October 17, 1989. Philip Morris Companies Inc. 2025849951–9989. www.pmdocs.com. UQ 33707.

69. Resnik F. *[Remarks by Frank E. Resnik at Infotab Conference Hong Kong]*. October 17, 1989. Philip Morris Companies Inc. 2025849951–9989 at 9967. www.pmdocs.com. UQ 33707.

70. Resnik F. *[Remarks by Frank E. Resnik at Infotab Conference Hong Kong]*. October 17, 1989. Philip Morris Companies Inc. 2025849951–9989 at 9965–9967. www.pmdocs.com. UQ 33707.

71. Resnik F. *[Remarks by Frank E. Resnik at Infotab Conference Hong Kong]*. October 17, 1989. Philip Morris Companies Inc. 2025849951–9989 at 9986. www.pmdocs.com. UQ 33707.

72. *[Agenda for INFOTAB International Workshop, Hong Kong, October 17–19, 1989]*. October 17, 1989. Philip Morris Companies Inc. 2021593862–3866. www.pmdocs.com. UQ 33720.

73. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050 at 5024–5025. www.pmdocs.com. UQ 32861.

74. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050 at 5041–5043. www.pmdocs.com. UQ 32861.

75. *Boca Raton Action Plan Summary Report December 3, 1988–October 30, 1989.* October 30, 1989. Philip Morris Companies Inc. 2503005015–5050 at 5035. www.pmdocs.com. UQ 32861.

Murphy J. *Working Together [Speech at PM Corporate Affairs Conference].* September 13, 1990. Philip Morris Companies Inc. 2025426610–6620 at 6612. www.pmdocs.com. UQ 33739.

V. THE "THIRD WORLD ISSUE"

A. Introduction

As the 1970s drew to a close, tobacco company officials became worried that WHO and the tobacco control movement would use criticism of the companies' activities in the developing world to fuel a global campaign against smoking. Quickly, the companies launched a massive campaign to win developing countries' attention and assistance within the United Nations (UN).

This strategy relied heavily on local lobbying by associations of national tobacco farmers. A former UN official played a prominent role. Tobacco companies' lobbyists cultivated existing concerns in developing countries about the economic importance of tobacco as a cash crop. Tobacco company representatives fostered the view among national governments and economically oriented UN agencies that decreased tobacco sales would result in economic destabilization, significantly increasing the burden of poverty and malnutrition in tobacco-growing countries. Thus, according to tobacco industry officials, the damage to health in the developing world from tobacco control activities would exceed the toll from tobacco use itself. Indeed, tobacco company representatives urged the view that tobacco-related illness was almost entirely a concern of affluent countries, and that tobacco control activities represented a First World agenda, carried out at the expense of the developing world.

By the mid-1990s, tobacco companies believed that their effort had led the Food and Agriculture Organization (FAO) to release pro-industry reports on the economic importance of tobacco, had inspired delegates from developing countries to make pro-tobacco objections, amendments and resolutions at the World Health Assembly (WHA), and had countered tobacco control efforts at an interagency "focal point" on tobacco within the UN.

The committee of experts has reviewed industry documents written throughout this period to develop a picture of tobacco companies' attempts to convince developing countries that tobacco was essential to their economic stability. The committee of experts also interviewed Neil Collishaw, acting director of tobacco control efforts at WHO in the mid-1990s.

There is evidence that tobacco companies' attention to the "third world issue" continues, even today.

B. Background

1. The WHO Plan

On June 18, 1979, over 500 researchers, tobacco control activists and government officials met in Stockholm, Sweden for the Fourth World Conference on Smoking and Health (the forerunner of today's World Conference on Tobacco OR Health), organized by WHO. On Sunday, June 17 – the day before the conference was to begin – Philip Morris executive Jules Hartogh sent a telex from Stockholm to "all national tobacco manufacturers associations and other companies" outlining key conference activities. Hartogh reported that "Tobacco and the third world countries will be a main topic during the conference."[1] [Emphasis in original.]

Tobacco company officials had been preparing for more than six months for a WHO strategy focusing on the exploitation of the developing world by the tobacco industry. A sub-group of the International

Council on Smoking Issues (ICOSI), representing the world's major tobacco companies, worked on "the problem of how to cope with the third world accusations possibly coming up during the Stockholm conference." According to minutes of a December 7, 1978 meeting held in Bonn, Germany, ICOSI officials expected that WHO would attack the industry for "selling high tar cigarettes in the third world countries," for "adopting advertising methods in the third world countries which would be totally unacceptable in the western world, eg. advertising appealing to the younger generation," for "causing the diversion of the limited labor and land resources to the production of base tobacco products rather than the production of official food crops," and for "the use of wood flue curing barns…because it allegedly deprives the poor man of his national fuel resources."[2]

Tobacco company representatives in Stockholm closely monitored the WHO effort to attack the industry's activities in the developing world. Several days after the conference ended, Hartogh forwarded a lengthy analysis to other top tobacco company officials. According to E. Brueckner, author of the report, WHO Director-General H. Mahler was planning to use "the third world issue" as a "lever" to fight the tobacco industry. Brueckner explained:

> "The argument goes basically to say that the imperialistic and colonialistic white man exports or at least sells death to the people in the underdeveloped countries, and at the same time robs their anyway meagre economy of huge economic assets."[3]

Evidence for the WHO plan was seen in the frequent mention of developing countries by speakers, in the multiple presentations by researchers from the developing world, and in the presence of 12 journalists from developing countries.[4]

Several months later, tobacco companies gathered "further evidence of WHO's plans to concentrate the attack on the industry activities in developing countries" – and of some early successes in that direction. An ICOSI report noted that at the 33rd WHA in April 1980, "Almost exactly half the countries which proposed the resolution on 'Health Hazards of Smoking' came from the Third World." In addition, the report continued, the Food and Agriculture Organization (FAO), traditionally an ally of tobacco interests, had released a statement supporting "the WHO's work to discourage smoking and laying emphasis on its reduction of tobacco projects."[5]

2. Tobacco Companies' Response

Tobacco company officials viewed international criticism of their activities in developing countries as a serious threat to long-term profitability. At a tobacco industry conference in July 1980, for example, a workshop promised participants:

> "Anslysis [sic] of FAO and WHO 3rd world involvement and its likely effects – they cannot be 'left for tomorrow to deal with' since they affect *the very basis of raw material supply*."[6] [Emphasis added.]

Even more worrisome was the possibility that countries of the UN might find common purpose in attacking tobacco companies. Brueckner noted in his report:

> "[W]e might by one process or the other even become object of UN attention (like drug traffic, slavery etc.). This even more so because we would be a comfortable scape-goat on which

everybody, red and free, black and white, rich and poor, could easily agree."[7] [Emphasis in original.]

Should "third-world countries" turn against the industry in such an "emotional" fashion, Brueckner warned, there would be little hope to reframe the issue. WHO would then prevail on the question of "whether the Third World will stand on the side of the anti-tobacco forces or on the side of the" tobacco companies. Brueckner wrote:

> "Once such a stand has been taken, it will become virtually impossible to reverse it by rational arguments."[8]

Faced with such a threat, tobacco company officials recognized the need to address the "third world issue." Brueckner proposed such a mandate to top tobacco officials:

> "We must try to stop the development towards a Third World commitment against tobacco.
>
> "We must try to get all or at least a substantial part of Third World countries committed to our cause.
>
> "We must try to influence official FAO and UNCTAD [United Nations Conference on Trade and Development] policy to take a pro tobacco stand.
>
> "We must try to mitigate the impact of WHO by pushing them [sic] into a more objective and neutral position."[9] [Emphasis in original.]

How tobacco companies attempted to meet these goals — and their own perception of success — is the subject of this case study.

C. Pattern of Tobacco Companies' Efforts in Developing Countries

Throughout the 1980s and well into the 1990s, tobacco companies sought to mobilize officials from developing countries to advance a pro-tobacco agenda on the world stage. The goal was for representatives from UN member states in the developing world – and not tobacco companies themselves – to make tobacco's case within the FAO, WHO and other UN bodies. This strategy was coordinated by an international consortium of tobacco company officials that was first called ICOSI and later re-named INFOTAB. Individual companies, most notably Philip Morris Companies Inc. and British American Tobacco Company (BAT), also made important contributions.

Although it is reasonable to assume that the documents identified in the committee of experts' limited search reveal only a part of the companies' activities, its strategy involved research, concerted lobbying of diplomats from developing countries, and extensive public relations. While ranging across companies, continents and UN agencies, these efforts generally followed a common pattern.

1. Contact of Representatives from Developing Countries

The first step was for tobacco company officials to reach out to UN delegates and other government officials from developing countries. This plan was initiated as an attempt to block the Stockholm's conference focus on developing countries. At ICOSI:

> "It was unanimously agreed that the ministers of agriculture in the various tobacco growing countries in the 3rd world are most likely to be our real allies. They should be approached through…leaf buyers who could…present an opportunity to define the commercial interests of their tobacco industry to the health ministers of their respective countries who will be attending the Stockholm conference."[10]

After the conference, the strategy continued. A 1984 Philip Morris memo explained:

> "The company needs to communicate directly with third world leadership to combat the negative campaign of the WHO."[11]

The documents suggest that dozens of such meetings occurred. Those representing tobacco companies at these meetings included former UN staff employed as consultants, local leaf growers (funded by the multinational tobacco companies) and employees of the tobacco companies themselves. Those contacted were delegates to the World Health Assembly, delegates to the Food and Agriculture Organization, Ambassadors in Geneva, and Government ministers.

Some of these contacts occurred in the developing world, with tobacco officials meeting with government ministers and UN delegates in their own countries. For example, tobacco growers, with INFOTAB support, heavily lobbied the health minister, agriculture minister and prime minister of Zimbabwe in advance of a 1986 WHA vote.[12] Other, more large-scale contacts took place at international meetings. In 1988, for example, INFOTAB planned a "Contact Programme for the World Health Assembly" that involved luncheon meetings with approximately 50 UN delegates.[13]

2. Presentation on Economic Importance of Tobacco

Having obtained an audience with key representatives from developing countries, tobacco company representatives argued the importance of tobacco to the local economy – recognizing, as a Philip Morris memo explained, "National leaders are primarily concerned with the stability and development of their economies."[14] An assessment sent to BAT similarly concluded that the "tobacco industry makes its most plausible case" on economic grounds because:

> "When it comes to the economic importance to some countries, particularly in the developing world, of the tobacco crop, both for employment and foreign exchange, it is difficult for WHO to come up with any good alternatives."[15]

To convince representatives from developing countries of the economic importance of tobacco, the tobacco company envoys presented research reports on such topics as the "social and economic benefit" of tobacco and the lack of sustainable alternatives.[16] This research sometimes took the form of a report from a consulting firm, such as a 1983 study from the Economic Intelligence Unit in the United Kingdom.[17] Alternatively, the same arguments were included in a newsletter

from a tobacco growers association apparently controlled by the tobacco companies. For example, the International Tobacco Growers' Association (ITGA) produced material to influence WHO delegates' opinions about crop substitution for tobacco. The publication, entitled, "Tobacco Forum" was seen by INFOTAB officials as "a 100% INFOTAB product" that can "guarantee an editorial content which is acceptable to our sponsor companies."[18]

Tobacco company officials argued that by stressing the legitimate economic concerns of developing countries and allying itself with those concerns, it could effectively combat WHO's tobacco control activities. A Philip Morris official wrote to company leaders in 1984:

> "Philip Morris should make the case of the economic importance of tobacco and link this to the development objectives of the nation … If the company does this consistently on global issues and the problems of development, it will be more likely to get a fair hearing of its case before third world governments and more effectively combat the WHO Secretariat's campaign against smoking."[19]

Tobacco companies sought out such opportunities to present their case on a regular basis. At a 1986 INFOTAB workshop, an industry official detailed how tobacco company representatives lobbied multiple FAO and WHO representatives from developing countries:

> "The presentations always took the same form. We stressed the economic benefits of tobacco production to their countries; we outlined the attacks made on the industry; we compared the problem of tobacco against the typical problems of developing countries – poverty, malnutrition, disease, clean water, housing, infant mortality, etc; and firstly we asked for their help both nationally and internationally.
>
> "The reception we received was invariably good. In every case the Ambassador and his staff were unfamiliar with the case we made for tobacco and had a much better understanding and appreciation as a result of our presentation and discussion. With some of them we received a very encouraging and positive response."[20]

3. Stirring of Resentment Against Developed World

To complement technical arguments on the economic importance of tobacco, industry officials aimed to generate resentment against the tobacco control community. George Dalley of Philip Morris noted in a 1984 memo that the "aspiration for development" (or economic importance of tobacco) could be combined with "nationalism" to "lead third world governments to resist the efforts of the do-gooders from WHO to impose a smokeless society."[21]

BAT similarly planned:

> To stress that the "Tobacco or Health" question, as presented, is hardly a developing country question, but has rather been imposed and forced upon them by the industrialised world, without due consideration of the highly detrimental economic and social consequences this will have for them."[22]

A subsequent plan from a BAT associate emphasized how the emotional appeal to developing countries followed naturally from an argument based on economics:

> "We shall shortly be publishing a further booklet in our series initiated with 'Tobacco in the Developing World.' This is again designed to emphasise our economic arguments, and in this instance, focusing upon the consequences of any loss of existing tobacco trade in terms of our economies' consequent need to either reduce expenditures, or seek further aid flows from donors. Why should we accept widening differentials in living standards merely to offer yet another perceived advantage to the developed world, or allow ourselves to be less self-reliant than we could be? Those are the consequences of 'tobacco control' for developing world tobacco producers."[23]

Tobacco companies also aimed to build resentment by pointing out other pressing health needs of the developing world that competed with tobacco control funding.[24] (See Chapter VI.)

4. Assisting Developing Countries in Opposing Tobacco Control at UN

Through its persistent outreach to officials from developing countries, tobacco companies gradually built a base of support within UN agencies and structures, most notably the WHA and FAO. The companies then worked to turn this support into action.

Tobacco company representatives distributed materials to influence UN agencies at international meetings and collaborated with delegates from developing countries to advance a common agenda. In 1982, INFOTAB members looked ahead to a time when tobacco companies could persuade "the tobacco growing nation representatives … to raise questions at the World Health Alliance [sic] meetings why the WHO is not concentrating on primary objectives."[25]

A Philip Morris lawyer boasted a decade later that the company had adopted an approach to "discreetly assist Third World countries in denouncing WHO's misleading anti-tobacco campaigns and in demanding the continuation of these campaigns, in view of the potential damage they may otherwise cause to Third World economies and welfare."[26] [Emphasis in original.]

As described in the following sections, tobacco companies believed themselves successful on many fronts in convincing delegates and officials from developing countries to counter WHO's tobacco control initiatives.

D. The "Third World Issue" at the UN

Through contacts and influence with numerous officials from developing countries, tobacco companies aimed to promote their agenda within multiple UN agencies and structures. These included: (1) the WHO Executive Board;[27] (2) World Health Assembly; (3) WHO Regional offices;[28] (4) FAO; (5) the Economic and Social Council of the United Nations (ECOSOC); (6) UN Centre for Transnational Corporations;[29] (7) the UN Conference on Trade and Development (UNCTAD);[30] and (8) the World Bank.[31] The committee of experts has focused on attempts to influence three UN bodies of particular importance: FAO, WHA, and ECOSOC.

1. Food and Agriculture Organization

Since 1945, FAO has worked "to raise levels of nutrition and standards of living, to improve agricultural productivity, and to

better the condition of rural populations."[32] Yet because FAO's agricultural activities historically supported tobacco growing, by the late 1970s and early 1980s, tobacco company officials considered FAO a "natural ally"[33] and one of three "pressure points for dealing with WHO."[34] In the 1980s and 1990s, by appealing to delegates from developing countries, tobacco companies sought to keep FAO's support and use the agency to make the case for the economic importance of tobacco within the UN. This strategy is summarized by a Philip Morris plan from January 1989:

> "Manage FAO Lobby
>
> "- Split F.A.O./W.H.O….
>
> "- Back new publications
>
> "- Destroy crop substitution myths
>
> "- Focus on Third World"[35]

a) Early 1980s: Opposing WHO influence on FAO

Soon after the 4th World Conference on Smoking and Health, officials at ICOSI became concerned that WHO was pressuring FAO to oppose tobacco. FAO officials participated prominently at the conference,[36] and FAO released a statement in 1980 backing the WHO's tobacco control efforts.[37]

Fearing the loss of an ally within the UN, ICOSI hired a consultant in October 1980 for its "Developing Countries" Working Group. His charge was to "find out more about the weight of influence in relationships between the WHO and other organizations within or associated with the United Nations framework - eg the FAO."[38] The consultant was Bernhard Dominick (Niki) Hauser, former coordinator of the Industrial Sector Advisory Group to the Secretary General of the UN Conference on Science and Technology for Development. ICOSI asked Hauser to:

> "assess whether there is anything that can usefully be done to influence any trends in such relationships which might be prejudicial to the tobacco industry."[39]

By February 1981, Hauser had determined from FAO representatives that the situation was far from bleak. Minutes to a meeting of the Developing Countries Group (DCG) of ICOSI report:

> "…personal contacts had been established with several FAO officials who had provided further written information of FAO policies. The DCG concluded… that the WHO pressures on the FAO had not produced such a serious change in the FAO's attitude towards tobacco growing as had been suggested in public statements made by FAO officials. During the above-mentioned personal contacts, it has become clear that some FAO officials would welcome more information from the tobacco industry and the DCG agreed that this opportunity should be followed up."[40]

Soon after, ICOSI commissioned and obtained a research report on the economic importance of tobacco from the Economic Intelligence Unit in the United Kingdom. The goal for the report was to "stimulate objections to current WHO pressures on the FAO by national delegations from developing countries attending the FAO Council Meeting" in late 1981.[41]

b) 1983: Working with FAO

By 1983, no longer preoccupied with the thought of FAO changing its historical position and supporting tobacco control

efforts, ICOSI reached out to the agency's staff for support in lobbying FAO delegates on the economic importance of tobacco.

In a letter to A.G. Leeks, director of commodities and trade division at FAO, dated April 20, 1983, ICOSI consultant Hauser explained that Philip Morris had hired the former US Secretary of Agriculture Orville Freeman to "prepare a study on the Importance of the Small Farmer, especially in Developing Countries to the World Economy."[42] According to the letter, the study would highlight the ability of tobacco to "raise the farmers' income and productivity while, at the same time, improving his food harvests." The letter also stated that BAT had hired Reading University to issue a report on "The Role of Tobacco and other selected cash crops in the Rural Development of Developing Countries."

"While these studies were in progress," Hauser explained to Leeks in the letter, "we discovered that your Commodity Division had just completed a comprehensive report on the Economic Significance of Tobacco." According to the documents, the two groups then agreed to share research results at a meeting attended by Hauser, a "senior representative of BAT" and two FAO employees, Vera Klein and J. Wolf. Hauser believed the meeting was productive:

> "The mutual expressed interest was such that we proposed to use the forthcoming European trip of Mr. Orville Freeman…for a presentation…to FAO Officials and their senior staff, as well as selected Permanent Representatives of developing countries. I had the opportunity to contact several of them and they expressed considerable interest."[43]

An FAO employee even suggested that this event be held on FAO facilities, according to the Hauser letter, but "the needed prior approvals would have delayed the sending out of the invitations."[44]

Hauser then invited senior FAO staff and representatives from developing countries to a gathering at the Hotel Eden in Rome to review the studies of both FAO and the tobacco companies.[45] The letter to the delegate from Argentina began:

> "Please permit me to draw your attention below to *three important studies* and to extend to you an invitation to participate in a short programme within which they will be discussed."[46] [Emphasis added.]

By INFOTAB's account, the presentations to FAO delegates were very successful. A subsequent report noted that three goals were "fully achieved":

> "(1) To convince our audience that we have significant common interests.
>
> "(2) To convince them that developments must be closely monitored, and
>
> "(3) That a program of periodic mutual briefings and discussions should be established."[47]

INFOTAB soon began to look towards the future:

> "As a consequence of our activities in Rome, the Permanent Representatives of the tobacco growing developing countries contacted, as well as their Ministers of Agriculture, are now aware of our endeavor to gain them as allies and that they are interested to listen to us, some have already declared that they are *ready to cooperate* (Turkey, Zimbabwe)."[48] [Emphasis added.]

In the winter of 1983, Hauser met again with representatives from Bangladesh, Mexico, Philippines, Tanzania, Thailand, Turkey, Malaysia, Argentina, Cameroon, Greece, Indonesia, and Brazil. The goal of the meetings was to:

> "maintain the established contacts and gain the PRs [Permanent Representatives] as allies and discuss how we could assist each other in defending our common interests."[49]

c) Publication of 1989 Reports

By the end of the 1980s, tobacco company documents show that the companies believed that FAO had again assisted their agenda of emphasizing the economic importance of tobacco. In 1989, INFOTAB took credit for FAO's release of two reports on this topic. Martin Oldman, assistant secretary general of INFOTAB, explained to a BAT representative the payoff for "relationships and tactics developed over a number of years"[50] at the UN agency:

> "[M] obilisation of support amongst key Permanent Representatives to the FAO has ensured the publication of two seminal studies on tobacco. In addition to adding further authoritative substance to the growers' case, the FAO reports' prognosis of increasing demand for tobacco through to the year 2000, severely embarrassed the WHO and its ambitions for the Tobacco or Health programme."[51]

He added that these reports were published "despite the WHO's vigorous objection."[52]

Tobacco companies wasted no time in distributing the FAO's reports to key representatives of developing countries. The ITGA – a group largely supported and directed by tobacco companies (see Box V-2) – created a "lobby kit" containing the report that was distributed to "Latin American Ministers of Health and to participants at all six regional WHO meetings during month of September."[53]

In 1990, Philip Morris created an action plan to "publicize FAO papers on tobacco" and "identify expert spokespeople on FAO…study and prepare media plans."[54]

Tobacco company contact with FAO representatives continued well into the 1990s. In April 1993, for example, "members of the diplomatic corps from countries in the Latin-America/ Caribbean region based in Geneva and Permanent Representatives to the FAO in Rome"[55] attended additional briefing sessions on the economic importance of tobacco. In 1994, a BAT project manager praised a FAO report for presenting a "balanced argumentation on tobacco."[56]

Through extensive lobbying of representatives from developing countries and FAO delegates and officials, tobacco companies would eventually count on FAO's support when UN-wide groups met to discuss tobacco.

2. World Health Assembly

The WHA is the "Organization's principal organ which is composed of delegates of all Member States."[57] Documents demonstrate that tobacco companies sought to influence the outcome of several WHA sessions by lobbying UN delegates from developing countries to propose amendments and resolutions aimed at limiting the scope of the WHO tobacco control program. In the documents reviewed relating to tobacco company attempts to influence the WHA, three assemblies were notable. These were the

39th, 41st, and 45th World Health Assemblies held in 1986, 1988, and 1992, respectively.

a) 39th World Health Assembly (1986)

With a major tobacco control resolution on the session's agenda, tobacco companies prepared for the 39th WHA by facilitating contact with delegates from the developing world via affiliates and third party allies. In an internal company memorandum, an RJR official noted that INFOTAB-backed tobacco growers and the International Chamber of Commerce (ICC) were lobbying on behalf of tobacco:

> "INFOTAB has been co-ordinating a lobbying effort in 38 countries where tobacco is economically significant, working through member companies, national tobacco associations and leaf dealers… I am co-ordinating a similar effort through the International Chamber of Commerce [ICC]. The aim of these activities is to get national delegates to the WHA to oppose the extreme anti-tobacco recommendations. Brazil, Mexico and Zimbabwe have been the most active countries on our behalf so far."[58]

As noted, in an effort to counter the tobacco control resolution at the 1986 WHA, ICC sent out an "Action Alert" and Philip Morris urged all ICC National Committees to contact UN delegates to "make their positions known to the Minister of Health or whomever [sic] will be representing their country at the WHA."[59]

Tobacco companies' primary effort to influence WHA, coordinated by INFOTAB, involved encouraging local leaf growers to lobby their country's representatives. A tobacco company official noted at an October 1986 INFOTAB gathering that "the response of the Latin American region…was first class, as was Zimbabwe..."[60] Latin American tobacco growers had banded together to issue a "Rio Declaration" in opposition to the WHA's proposed tobacco control resolution and had traveled to Geneva to lobby representatives.

In Zimbabwe, tobacco affiliates made

Box V-1: Zimbabwe efforts at 1986 WHA

At a 1986 INFOTAB workshop, Maurice Rooney explained efforts to lobby UN delegates in Zimbabwe:

> "We began by lobbying our Minister of Health and his officials. Arising from that meeting, we sent a telex to WHO Executive Board, suggesting that the framing of the resolution was premature, and we also prepared, at the Minister's suggestion, a paper which was circulated to a number of our Cabinet Ministers including the Prime Minister. The paper, which was based upon material provided by Infotab, was in two parts: an attack on the resolution itself, and an appendix which was highly critical of the WHO document upon which the resolution was based…"

Unfortunately, Rooney continued, the health minister did not agree with the industry's conclusions. But that was not the end of the campaign:

> "We also lobbied our Minister of Agriculture, who gave his blessing to our participating in the briefing seminars organized by Infotab in Geneva and Rome…We followed this up by sending another telex to the Director General of the WHO attacking the resolution, and we arranged for a former Minister of Agriculture to lobby our Prime Minister."

Source: *Infotab International Workshop, Brussels, October 13-16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636-7080 at 6725-6729. www.pmdocs.com. UQ 33566.

extensive efforts to influence governmental decisionmakers. (See Box V-1.)

While the tobacco control resolution was unanimously adopted by the WHA, tobacco companies publicized the fact that more than twenty UN delegates from developing countries expressed strong reservations.[61] An INFOTAB report quotes the Brazilian delegate as stating at the WHA session:

> "…Brazil is an important tobacco producer, and many of its workers are dependent on the tobacco industry or plantations. The revenue from those activities are important to the Brazilian economy. The reservation which the delegation is now expressing stems from the belief that this matter, including its social and economic aspects, deserves more careful consideration."[62]

The report noted that "some 40% of all the countries that spoke raised the issue of consequences to agriculture, revenue, employment and exports" and proclaimed that even the representative from the United Kingdom "acknowledged the dilemma that many developing countries found themselves in." The INFOTAB assessment concluded:

> "It seems clear that the briefings which were given had a considerable effect. Professional observers who are not in the industry, said they felt that the number of comments and reservations expressed were extremely unusual and could not have been expected unless delegates had been well briefed by their Governments on the basis of well-founded and extensive information, which was provided by the industry in many countries.
>
> "*There is no doubt that we have gained through this exercise a supportive group of allies at a very influential level.*"[63] [Emphasis added.]

After the assembly, tobacco companies, led by INFOTAB, immediately tried to mitigate the effects of the resolution. At a symposium sponsored by INFOTAB in 1986, the "WHO Resolution" was the second priority for tobacco companies, after combating restrictions on environmental tobacco smoke.[64] In a major address, conference chair Bryan Simpson explained:

> "Infotab will be working with its committees to increase liaison with delegates to W.H.O. and to the major tobacco countries who attend W.H.O. There will be extensive follow up procedures. We are preparing a document which will show the global economic contribution of tobacco."[65]

b) 41st World Health Assembly (1988)

In 1988, tobacco companies again turned to their "allies" in the developing world to advocate for tobacco at the WHA. INFOTAB developed a "Contact Programme for the World Health Assembly" whose goal was to "motivate selected delegates to…voice their concern about the adverse socio-economic consequences of the WHO 'Tobacco or Health' programme."[66] INFOTAB consultant Niki Hauser was responsible for setting up the proposed plan, in which approximately fifty UN delegates were targeted throughout Asia, Africa and Latin America.

The tobacco companies also collaborated with Heatherwick Ntaba, the Chief of Health Services, Ministry of Health, in Malawi, whose family held tobacco interests in Malawi. Documents suggest that Ntaba was an influential voice at the WHA and articulated concerns that echoed those of

tobacco companies. Ntaba was both a delegate to the WHA and a member of the WHO Executive Board in 1988 and 1989 designated by Malawi.[67] Philip Morris documents report a discussion with Ntaba about how "WHO policy would switch the 'health risk' associated with the use of tobacco to a more immediate and dramatic one: the 'economy risk', which would result in the collapse of the economy of a country such as Malawi."[68] This discussion took place during a meeting with Iancou Marcovitch of Philip Morris on January 17, 1988, in Geneva.

Box V-2: International Tobacco Growers Association (ITGA)

ITGA claims to represent the interests of local farmers. Documents indicate, however, that multinational cigarette manufacturers have apparently funded the organization and directed its work. A 1988 INFOTAB plan for ITGA explained:

> "Manufacturers, through INFOTAB, would 'control' the primary funding of the organisation, and would thus be able to ensure that it stuck to politics…The ITGA would have the clout to combat idiotic crop-substitution programs…The ITGA could 'front' for our third world lobby activities at WHO, and gain support from nations hostile to MNCs…The ITGA (pushed by us) could activate regional agriculture lobbies which are at present very weak and resistant to industry pressure."*

In the early 1990s, BAT began to utilize a consultancy, called Agro-Tobacco Services, that worked with ITGA to lobby on behalf of cigarette manufacturers. Martin Oldman, formerly of INFOTAB, would run the operation, whose "principal role" would be to

> "control the international voice of agro-tobacco on behalf of its clients, ensuring that best use is made of the ITGA as a vehicle for targeted lobby activities. In particular, the consultancy will provide the co-ordination, facilitation, and motivation necessary to realise the full potential of the tobacco growers' lobby."**

*Bloxidge JA. *International Tobacco Growers' Association (ITGA).* October 11, 1988. British American Tobacco Company. 502555415-5417 at 5417. Guildford Document Depository. UQ 33284.

** Oldman M. *[Letter to David Bacon].* January 7, 1992. British-American Tobacco Co. 502552645-2654 at 2647. Guildford Document Depository. UQ 33302.

Indeed, Ntaba attacked the WHO's tobacco control efforts during the 41st WHA in 1988, saying, according to a document in BAT files:

> "If WHO was genuinely committed to social equity and justice, it should not forge ahead with its anti-tobacco program, abandoning the underprivileged communities and condemning them to socio-economic deprivation, until WHO could offer them an alternative. It was generally accepted that a good level of health could not be achieved in the absence of socio-economic development, yet WHO was preoccupied with the eradication of tobacco-related lung cancer and respiratory and other diseases from the affluent North, in face of its inability to counterbalance the consequent socio-economic deprivation that the elimination of tobacco consumption would bring to the underprivileged South. That paradoxical and inequitable state of affairs was not consistent with the image and moral integrity of WHO … *WHO must have the moral courage and vision completely to overhaul its anti-tobacco campaign*."[69] [Emphasis added.]

c) 45th World Health Assembly (1992)

In 1992, tobacco companies celebrated the adoption of a resolution – dubbed the "Malawi Resolution" – that required

consideration of the economic impact of tobacco control measures beyond WHO. Representatives from developing countries had proposed the resolution with the support of tobacco companies. According to a 1992 BAT report, the resolution "maintains the pressure on the WHO to acknowledge and deal with the negative socio-economic effects on tobacco producing countries which a successful Tobacco or Health program will induce."[70] Moreover:

> "With the adoption of the 'Malawi Resolution,' it would appear that we have succeeded in getting a full and proper acknowledgement of the concerns we have been voicing for several years. In this connection, our lobby of key diplomats in Geneva played an important, albeit unquantifiable role."[71]

The practical consequence of the Malawi Resolution was that many UN agencies had to collaborate on a "review of and recommendations concerning the impact of tobacco production on the economy of tobacco producing countries, in particular those that depend upon tobacco as a major source of income, as well as the impact of tobacco consumption on health."[72] This process opened the door to tobacco company influence throughout the UN. The ITGA (see Box V-2) began in earnest to prepare for such an effort:

> "At this year's World Health Assembly a resolution proposed by, among others, Malawi, Tanzania, Zambia and Zimbabwe was passed…This development is important for a least two reasons. Firstly, it formally extends the scope of the tobacco debate in UN agencies not inherently prejudiced by perceived health concerns. Secondly, it provides ITGA with the opportunity – indeed, the challenge – to present its case on a wide variety of issues to specialist UN agencies. *To the extent that we are able to contribute effectively to the debate on a wider front, the ambitions of the 'Tobacco or Health' program may be thwarted, or at least modified*."[73] [Emphasis added.]

3. Economic and Social Council of the United Nations

The ultimate result of the "Malawi resolution" was to vest central UN oversight of tobacco issues in a so-called "focal point" in the UN Conference on Trade and Development (UNCTAD), which reports to the UN Economic and Social Council (ECOSOC). The resolution, and a subsequent one adopted by the ECOSOC Plenary in 1993, called on ECOSOC to coordinate the collaboration of many UN agencies on tobacco issues. Participating agencies included WHO, FAO, the General Agreement on Tariffs and Trade (GATT), the World Bank, ILO, the United Nations Development Program (UNDP), and the United Nations Industrial Development Organization (UNIDO). Under the terms of the resolution, ECOSOC was to obtain individual plans of work from each agency.

This was an important development for tobacco companies, because other organizations, much more sympathetic to the cause of tobacco growers, would also now be responsible for examining the issue of tobacco.

When the focal point was first established, the ITGA – representing tobacco company efforts – was unsure of the attitudes it would find at some of the other UN agencies now invited to participate in tobacco issues. (Box V-2.) An ITGA document summarized the situation:

> "Up until now, it has been the World Health Organization which has provided the major thrust in international anti-tobacco activities. It has, however, been persuaded that some of the issues – particularly those to do with economic, environmental, and social aspects – are beyond its competence. We can therefore expect a number of UN agencies to get into the act. It is to be hoped that they do not bring to their participation any prejudicial anti-tobacco sentiments and that we can expect a rational and objective treatment of our common concerns. The challenge to the ITGA and its members will be to ensure that it and they are active participants in the process."[74]

To meet this challenge, ITGA continued the successful pattern that tobacco companies had long used as part of its attempt to win the "third world issue." ITGA documents reveal that industry representatives believed much of the necessary lobbying must come at the national rather than the international level:

> "We are reminded …that policy is not made in Switzerland or Rome, save by the Swiss or Italians, and that the real influence has to be created back at home base. Whilst it will remain important to cultivate and maintain our contacts at the key international sites, it is more important that policy makers rather than policy deliverers are targeted for your messages. If this can be achieved in a co-ordinated fashion amongst ITGA member organisations, the impact will be the greater when our concerns are indeed raised amongst the diplomats in Geneva, Rome, or wherever tobacco issues are being discussed."[75]

ITGA made plans to contact delegates of "FAO, GATT, ILO, UNDP, UNCTAD, UNIDO and the World Bank."[76]

In Zimbabwe, tobacco representatives created an action plan that included "interviews with Ministers of Agriculture, Health and Finance to stress the importance of tobacco to Zimbabwe" as well as "appearances on television to highlight the advantages of tobacco production." In Zambia, tobacco representatives planned "direct approaches… to the Ministers of Agriculture and Finance, highlighting the importance of tobacco in Zambia's economy." In Malawi, ITGA had arranged "a series of meeting with the President and ministers and with local representatives of international agencies such as the World Bank, WHO and the FAO."[77]

To complement its local and national efforts, ITGA also lobbied UN representatives in Geneva and Rome about the economic importance of tobacco:

> "The positive reception given to the Latin American/Caribbean economic impact study presented to diplomats in Geneva and Rome this year encourages the belief that similar analyses in respect of other regions should form part of the agro-tobacco programme. Whilst such projects would require the direct assistance of manufacturers, their presentation would provide an appropriate and valuable thrust to the future lobby programme at the WHO, the FAO, and other UN agencies. Consideration should be given to a pan-African or a South-East Asian analysis during 1994."[78]

The tobacco companies believed themselves successful in pushing FAO to take a pro-tobacco position with ECOSOC. Describing a meeting at which ECOSOC

detailed the tobacco-related plans of five UN agencies, ITGA gave the following account:

> "The FAO made a statement which includes the following assertion:
>
> "That 'poverty and malnutrition may be linked to greater health risks for a larger number of people (particularly in developing countries) than tobacco.' This is a point which we have made directly or indirectly in all the major ITGA publications. They also said: that 'any rapid movement (to reduce tobacco production) would not only be impracticable but would probably lead to a serious dislocation of economic resources in the countries concerned.' And that: 'it (the FAO) reserves the right to recommend development of tobacco in such cases where the overriding economic considerations so warrant.'
>
> "All in all, I would suggest, this is not a bad outcome. *It looks as though we have the FAO 'on side,' at least to the extent that we could reasonably expect*."[79] [Emphasis added.]

ITGA's campaign at the national and international level also included contact with Raul Uranga, the head of the ECOSOC "focal point" on tobacco. Uranga, an Argentinean, was a long-time UNCTAD official and was concurrently a senior policy advisor at UNCTAD. An ITGA document explained ITGA's view of its lobbying efforts at ECOSOC:

> "[ITGA] has continued to consolidate its authoritative position as the international representative of tobacco growers and, in particular, has established a collaborative working relationship with ECOSOC's 'focal point' at UNCTAD. This has been achieved through a number of meetings with officials engaged in developing that agencies position in relation to the ECOSOC resolution and by providing relevant information. Contact has been established with Raul Uranga, in charge of the 'focal point', who is to be invited to the ITGA's General Meeting in Canada in November."[80]

This contact developed into what ITGA considered a useful relationship:

> "The ITGA's relationship with UNCTAD and the "focal point" is now well established due to the considerable efforts that David has made to get alongside not only Sr. Uranga but also those in UNCTAD engaged in writing the long-awaited report. He has been able to provide valuable information to the "focal point" and I believe that *we now have a reasonable influence with the key players in Geneva*."[81] [Emphasis added.]

ITGA even hoped that UNCTAD would collaborate on a report with the industry on the economic importance of tobacco. Such a joint venture would carry "a high degree of credibility, and thus preclude the normal rubbishing process applied by anti-tobacco campaigners to pro-tobacco material."[82]

In the end, however, UNCTAD did not collaborate with ITGA and tobacco companies on such a study. Indeed, the committee of experts found no documents suggesting any inappropriate contact or influence with Uranga or other ECOSOC personnel. After several years with little action on tobacco, the "focal point" at ECOSOC was dissolved in 1999, and primary oversight of tobacco issues shifted back to the Tobacco Free Initiative at WHO.

The committee of experts interviewed Neil Collishaw, who directed tobacco efforts

at WHO during the period of the focal point. Collishaw noted that the 1993 ECOSOC resolution stipulated that the focal point would operate "under the auspices of the World Health Organization." According to Collishaw, this wording thwarted the hope of tobacco companies that control over tobacco issues would shift from WHO to other agencies or the UN General Assembly. Ultimately, Collishaw concluded that the focal point in ECOSOC was "basically neither helpful nor hurtful in advancing the cause of tobacco control." It may have delayed but did not fundamentally limit WHO efforts to fight tobacco use internationally.

E. Subsequent Activities

The publicly available industry documents, which largely end in the mid-1990s, do not reveal what further activities tobacco companies pursued to resist tobacco control efforts through its allies in the developing world. However, there is evidence that the tobacco companies' strategy is still active and will play a role in its campaign against the Framework Convention on Tobacco Control. In November of 1999, Richard Tate, current President of the ITGA, told the organization's Annual Meeting that:

> "ITGA is moving to a higher level of activity on behalf of its members. The proposal for an international tobacco control convention is the biggest threat that faces tobacco growers, and we will be acting to defend our interests accordingly."[83]

On behalf of the economic interests of "farmers," ITGA has already begun to attack the Framework Convention on Tobacco Control.[84]

In June 2000, ITGA issued a press release suggesting that the organization may still believe FAO to be its ally. The release began:

> "Tobacco farmers from North America, South America and Africa are calling on the Economic and Social Council of the United Nations (ECOSOC) to await the results of a major study by the Food and Agriculture Organisation of the United Nations (FAO), before making recommendations on the planned Framework Convention on Tobacco Control (FCTC)."[85]

F. Assessment

At the end of the 1970s, tobacco company officials were worried that WHO and the tobacco control movement would use criticism of the companies' activities in the developing world to mobilize a global campaign against smoking. By the 1980s, however, the companies had launched a massive campaign to win developing countries' assistance and capture the "third world issue" within the UN.

The elements of the strategy were simple. Tobacco officials or their surrogates met personally with delegates and ministers of developing countries, made a case for the economic importance of tobacco, attempted to build resentment at the developed world for focusing on tobacco and then asked for help. At FAO, WHA and ECOSOC, these entreaties were often thought to be successful. The documents show that industry officials believed that as a result of this multitude of contacts, FAO released pro-industry reports, WHA delegates expressed objections and proposed resolutions, and participants in the multi-agency collaboration under the ECOSOC "focal point" advocated for tobacco. At the UN level, these pro-tobacco actions did not

appear to bear the fingerprints of tobacco industry officials. Without extensive interviews, it is impossible for the committee of experts to determine the extent to which tobacco companies caused these actions.

In part, the tobacco companies' campaign relied on questionable tactics. The companies, for example, funded supposedly independent groups, such as the ITGA, to lobby local government officials. What may have appeared to be a local farmers' movement was, in fact, apparently controlled by a consortium of multinational companies.

For the most part, however, the documents describe a successful lobbying campaign in which tobacco representatives openly made their case on the economic importance of tobacco to developing countries' representatives. This case study, then, strongly suggests that future UN tobacco control efforts will have to counter these lobbying efforts directly by addressing the economic concerns of developing countries to win their support. The recent World Bank Publication *Curbing the Epidemic: Governments and the Economics of Tobacco Control*, which strongly contests tobacco company arguments on the economic importance of tobacco, might play a role in such an effort.[86]

G. Conclusion

The tobacco companies' campaign to capture the "third world issue" involved extensive outreach to government officials and UN delegates of developing countries. By pressing the economic importance of tobacco and stirring resentment against the developed world, tobacco companies, by their own assessment, influenced delegates to alter WHO and FAO policy on tobacco. Instead of facing world condemnation for its actions in developing countries, tobacco companies benefited from these countries' advocacy for tobacco at the international level.

H. Areas for Further Investigation

In this case study, the committee of experts focused primarily on documents in which tobacco companies claimed credit for the actions of WHA and FAO delegates from developing countries. Further areas of investigation suggested by the committee of experts' research include:

- Tobacco company efforts on national and regional tobacco issues, including action to lobby regional WHO offices
- Tobacco company efforts at other WHA sessions besides those of 1986, 1988 and 1992.

I. Recommendations

Based on this case study, the committee of experts makes several recommendations.

a) Further Investigation by Other UN Agencies and Countries

This case study demonstrated the intense interest of tobacco companies in influencing national and international regulatory decisions on tobacco by convincing government ministers, UN delegates and others of the economic importance of tobacco. WHO should encourage other UN agencies and member states to determine whether a similar strategy is behind pro-tobacco efforts in their purview.

1. WHO should urge other UN organizations to investigate possible tobacco company influence on their decisions and

programs, and to report their findings publicly.

2. WHO should urge member countries to conduct their own investigations of possible past tobacco company influence on national decisions and policies, and to publish reports on their findings.

3. WHO should seek to provide or identify external sources of funding for such investigations on behalf of member countries unable to fund them.

b) Improving Disclosure

Multinational tobacco companies should not be able to hide behind local leaf growers when lobbying nationally or internationally.

4. WHO should encourage and support efforts to identify and publicize the roles of third-party front groups and surrogates acting under the influence of the tobacco industry.

In addition, WHA should consider issues surrounding relationships between WHA delegates and tobacco companies. In particular, WHA should consider whether member states have adequate mechanisms to ensure that such relationships are not hidden.

5. WHO should place before the WHA, for discussion by member states, the question whether member states have in place adequate mechanisms to ensure the transparency of affiliations between delegates to the WHA and tobacco companies. Member states should be encouraged to take any additional steps necessary to avoid inappropriate affiliations.

c) Countering Tobacco Lobbying

This case study suggests that WHO must learn to counter tobacco companies' lobbying strategy in developing countries of pitting the economic importance of tobacco against its damaging effects to health and of building resentment against the developed world. Growers from developing countries – likely supported by multinational tobacco companies – are already raising economic questions about the Framework Convention on Tobacco Control negotiations.[87] The committee of experts recognizes, however, that developing countries face serious economic problems that may be aggravated by programs that seek to diminish demand for tobacco. WHO should seek to help developing countries diminish their reliance on tobacco growing in a manner that respects the economic realities faced by these countries.

6. WHO should develop a strategy to counter the tactics employed by tobacco companies to gain opposition to tobacco control in the developing world. This strategy must address the legitimate economic issues raised by the loss of tobacco as a cash crop.

7. WHO should undertake a concerted campaign to better communicate its continuing commitment to meeting urgent health needs of special importance in developing countries, including problems of sanitation, nutrition,

immunization and communicable diseases.

8. WHO should work to involve other UN agencies more actively in the formulation and promotion of tobacco control initiatives, and, to the extent possible, should take responsibility for actively promoting more united and consistent positions among all UN agencies on issues related to tobacco control.

Notes

1. Hartogh JM. *To all national tobacco manufacturers and other companies*. June 17, 1979. Philip Morris Companies Inc. 2501015187–5188 at 5187. www.pmdocs.com. UQ 33724.
2. Vogel C. *Minutes of meeting held in Bonn*. December 7, 1978. Tobacco Institute. TIMN0270055–0059 at 0056. www.tobaccoinstitute.com. UQ 32904.
3. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047 at 3044. Guildford Document Depository. UQ 33162.
4. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047. Guildford Document Depository. UQ 33162.
5. *Developing countries ad hoc group (DCG) progress report covering events since the ICOSI board of directors meeting on 18th february, 1980*. August 1, 1980est. Philip Morris Companies Inc. 2025049727–9733 at 9729. www.pmdocs.com. UQ 39.
6. Worster A. *[Telex to Ms. Mary Covington].* July 10, 1980. R.J. Reynolds Tobacco Company. 500882050–2053 at 2051. www.rjrtdocs.com. UQ 82.
7. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047 at 3045. Guildford Document Depository. UQ 33162.
8. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047 at 3046. Guildford Document Depository. UQ 33162.
9. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company. 100433043–3047 at 3046. Guildford Document Depository. UQ 33162.
10. Vogel C. *Minutes of meeting held in Bonn*. December 7, 1978. Tobacco Institute. TIMN0270055–0059 at 0057. www.tobaccoinstitute.com. UQ 32904
11. Dalley G. *The World Health Organization's Campaign on Smoking and Health: Some Thoughts on a Corporate Response*. July 10, 1984. Philip Morris Companies Inc. 2023272993–2996 at 2994. www.pmdocs.com. UQ 50.
12. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6727–6728. www.pmdocs.com. UQ 33566.
13. *World Health Assembly–Geneva May 2–14 1988–Contact Programme*. British American Tobacco Company. 502586873–6877. Guildford Document Depository. UQ 33226.
14. Dalley G. *The World Health Organization's Campaign on Smoking and Health: Some Thoughts on a Corporate Response*. July 10, 1984. Philip Morris Companies Inc. 2023272993–2996 at 2994. www.pmdocs.com. UQ 50.
15. Centre for Applied Studies in International Negotiations (CASIN). *Interest groups in tobacco. The work of the tobacco or health programme of the World Health Organization with particular reference to the tobacco industry.* January 1991. British American

Tobacco Company. 300557237–7259 at 7252. Guildford Document Depository. UQ 33350.

16. *Notes of meeting with Mr. Joseph Mtenga the Minister Plenipotentiary for Tanzania to the FAO, Morning 7th March 1986*. March 7, 1986. British American Tobacco Company. 301760867–0870. Guildford Document Depository. UQ 33173.

17. *Progress report covering projects and action plans since board of directors meeting on March 30 1981*. 1981est. Philip Morris Companies Inc. 2025048077–8088. www.pmdocs.com. UQ 41.

18. Bloxcidge JA. *[Letter to B. Bramley].* August 23, 1990. British American Tobacco Company. 502555387. Guildford Document Depository. UQ 33281.

19. Dalley G. *The World Health Organization's Campaign on Smoking and Health: Some Thoughts on a Corporate Response.* July 10, 1984. Philip Morris Companies Inc. 2023272993–2996 at 2995–2996. www.pmdocs.com. UQ 50.

20. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6709–6710. www.pmdocs.com. UQ 33566.

21. Dalley G. *The World Health Organization's Campaign on Smoking and Health: Some Thoughts on a Corporate Response*. July 10, 1984. Philip Morris Companies Inc. 2023272993–2996 at 2995. www.pmdocs.com. UQ 50.

22. *World Health Assembly–Geneva May 2–14 1988–Contact Programme*. British American Tobacco Company. 502586873–6877. Guildford Document Depository. UQ 33226.

23. Ntaba H. *[Untitled.]* September 1993. British American Tobacco Company. 601030319–0343 at 0320. Guildford Document Depository. UQ 33218.

24. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6709. www.pmdocs.com. UQ 33566.

25. Wells JK. *INFOTAB Advisory Council Meeting July 14 and 15, 1982*. July 21, 1982. Brown & Williamson Company. 680002301–2307 at 2302. Bliley documents at www.tobaccodocuments.org. UQ 20.

26. *Executive Report of Activities, S&T Neuchatel. February 1992*. Philip Morris Companies Inc. 2501254590–4597 at 4594. www.pmdocs.com. UQ 33706.

27. Gaisch H. *Monthly Report*. January 31, 1988. Philip Morris Companies Inc. 2501152192–2205. www.pmdocs.com. UQ 32825.

28. *WHO/IOCU/UICC: Strategies and Tactics*. January 31, 1989. Philip Morris Companies Inc. 2501045143–5147. www.pmdocs.com. UQ 32846.

29. *Developing Countries Group (DCG) Progress report covering events since ICOSI board of directors meeting on October 5–8 1980*. February 1, 1981est. Philip Morris Companies Inc. 2025049364–9374. www.pmdocs.com. UQ 40.

30. Opukah S. *[Letter to David Bacon].* May 30, 1995. British American Tobacco Company. 502555181. Guildford Document Depository. UQ 33267.

31. Bacon D. *[Letter to Heather Honour].* November 28, 1991. British American Tobacco Company. 202049931–9932 at 9931. Guildford Document Depository. UQ 33256.

32. www.fao.org. June 27, 2000.

33. Vogel C. *Minutes of meeting held in Bonn.* December 7, 1978. Tobacco Institute. TIMN0270055–0059 at 0058. www.tobaccoinstitute.com. UQ 32904.

34. The other two pressure points were member governments and the leaf industry.

    Marcotullio RJ. *INFOTAB Board of Director's (BOD) Meeting–March 30, 1981*. April 6, 1981. R.J. Reynolds Inc. 502741855–1859 at 1857. www.rjrtdocs.com. UQ 60.

35. *Appendix I, INFOTAB January 1989 Discussion Paper*. January 30, 1989. Philip Morris Companies Inc. 2501045258–5268 at 5259. www.pmdocs.com. UQ 33561.

36. Hartogh JM. *To all members of the ICOSI task force 4th world conference on smoking and health. [Memo by E. Brueckner.]* June 26, 1979. British American Tobacco Company.

100433043–3047. Guildford Document Depository. UQ 33162.

37. *Developing countries ad hoc group (DCG) progress report covering events since the ICOSI board of directors meeting on 18th february, 1980.* August 1, 1980est. Philip Morris Companies Inc. 2025049727–9733 at 9729. www.pmdocs.com. UQ 39.

38. *Consultant to ICOSI on international organizations*. August 1, 1980est. Philip Morris Companies Inc. 2025049734. www.pmdocs.com. UQ 37.

39. *Consultant to ICOSI on international organizations*. August 1, 1980est. Philip Morris Companies Inc. 2025049734. www.pmdocs.com. UQ 37.

40. *Developing Countries Group (DCG) Progress report covering events since ICOSI board of directors meeting on October 5–8 1980*. February 1, 1981est. Philip Morris Companies Inc. 2025049364–9374 at 9368–9369. www.pmdocs.com. UQ 40.

41. *Progress report covering projects and action plans since board of directors meeting on March 30 1981*. 1981est. Philip Morris Companies Inc. 2025048077–8088 at 8077. www.pmdocs.com. UQ 41.

42. Hauser BD. *[Letter to A.G. Leeks].* April 20, 1983. Philip Morris Companies Inc. 2023273908–3909. www.pmdocs.com. UQ 42.

43. Hauser BD. *[Letter to A.G. Leeks].* April 20, 1983. Philip Morris Companies Inc. 2023273908–3909 at 3909. www.pmdocs.com. UQ 42.

44. Hauser BD. *[Letter to A.G. Leeks].* April 20, 1983. Philip Morris Companies Inc. 2023273908–3909 at 3909. www.pmdocs.com. UQ 42.

45. According to an industry document, an FAO report from around this time concluded that "the cultivation and manufacture of tobacco result in a number of immediate and tangible social and economic benefits, particularly in the poorer producing companies….in nearly every producing country, tobacco is one of the most valuable crops grown, and its contribution to total agricultural income is almost invariably significant, reaching 25 percent in the case of Zimbabwe." *Critique of WHO Report EB77/22 Add 1 Entitled "The Adverse Health Effects of Tobacco Use."* May 1, 1986est. Philip Morris Companies Inc. 2501115856–5860 at 5858. www.pmdocs.com. UQ 33703.

46. Hauser BD. *[Letter to Ing. Diego Eduardo White].* April 20, 1983. Philip Morris Companies Inc. 2023273934–3935 at 3934. www.pmdocs.com. UQ 33725.

47. *Rome–October 24–27, 1983*. November 2, 1983. Brown & Williamson Tobacco Company. 699101450–1452 at 1451. www.bwdocs.aalatg.com. UQ 33728.

48. Hauser BD. *Trip Report–Rome November 8–10, 1983.* November 18, 1983. Brown & Williamson Tobacco Company. 699101454–1460 at 1458. www.bwdocs.aalatg.com. UQ 32853.

49. Hauser BD. *Trip Report–Rome October 24–28, 1983.* Brown & Williamson Tobacco Company. 699101443–1449 at 1443. www.bwdocs.aalatg.com. UQ 33734.

50. Oldman M. *[Letter to Gaye Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5358. Guildford Document Depository. UQ 33278.

51. Oldman M. *[Letter to Gaye Pedlow].* March 13, 1991. British American Tobacco Company. 502555357–5363 at 5358. Guildford Document Depository. UQ 33278.

52. Oldman M. *[Letter to David Bacon].* January 7, 1992. British American Tobacco Company. 502552645–2654 at 2647. Guildford Document Depository. UQ 33302.

53. *Boca Raton Action Plan: Status Report for the period ending September 30, 1989*. September 30, 1989. Philip Morris Companies Inc. 2501204997–5021 at 4999. www.pmdocs.com. UQ 32861.

54. *PMI Corporate Affairs Action Plan 1990*. January 1, 1990est. Philip Morris Companies Inc. 2500019979–9999 at 9996. www.pmdocs.com. UQ 33558.

55. Oldman M. [*Agro–tobacco activity reports submitted to David Bacon]*. March 1993. British American Tobacco Company. 502552490. Guildford Document Depository. UQ 33298.

56. Opukah S. *ECOSOC/FAO Positions on Tobacco.* August 18, 1994. British American Tobacco Company. 502570804. Guildford Document Depository. UQ 33304.

57. Beigbeder Y. *The World Health Organization*. The Netherlands: Martinus Nijhoff Publishers, 1989.

58. Marcotullio R. *WHO*. March 17, 1986. R.J. Reynolds Tobacco Company. 505745424. www.rjrtdocs.com. UQ 34.

59. Potorff M. *WORLD HEALTH ASSEMBLY (WHA) GENEVA*. April 21, 1986. Philip Morris Companies Inc. 2501445996–5998 at 5997. www.pmdocs.com. UQ 33726.

60. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6710. www.pmdocs.com. UQ 33566.

61. *Report on Meeting with Ambassadors from the Latin American Region*. March 17, 1988. British American Tobacco Company. 502586851–6853 at 6851. Guildford Document Depository. UQ 33223.

62. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6721. www.pmdocs.com. UQ 33566.

63. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6712. www.pmdocs.com. UQ 33566.

64. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6674. www.pmdocs.com. UQ 33566.

65. *INFOTAB International Workshop, Brussels, October 13–16, 1986*. October 16, 1986. Philip Morris Companies Inc. 2501446636–7080 at 6675. www.pmdocs.com. UQ 33566.

66. *World Health Assembly–Geneva May 2–14 1988–Contact Programme*. British American Tobacco Company. 502586873–6877 at 6873. Guildford Document Depository. UQ 33226.

67. Email communication with Carol Modis, WHO Reference Services, June 21, 2000.

68. Gaisch H. *Monthly Report*. January 31, 1988. Philip Morris Companies Inc. 2501152192–2205. www.pmdocs.com. UQ 32825.

69. Ntaba H. *WHO World Health Assembly—Dr Ntaba's Presentation as in the Provisional Summary Record*. January 1, 1988est. British American Tobacco Company. 502586884–6886 at 6885–6886. Guildford Document Depository. UQ 33227.

70. *Agro–Tobacco Services — Program Review No. 1.* January 1, 1992est. British American Tobacco Company. 502552606–2611 at 2606. Guildford Document Depository. UQ 33299.

71. *Agro–Tobacco Services — Program Review No. 1*. January 1, 1992est. British American Tobacco Company. 502552606–2611 at 2606. Guildford Document Depository. UQ 33299.

72. *Coordination questions: Multisectoral collaboration on tobacco or health*. August 3, 1993. Philip Morris Companies Inc. 2501109811–9814 at 9813. www.pmdocs.com. UQ 33727.

73. ITGA. *The Way Ahead*. January 1, 1992est. British American Tobacco Company. 502552621–2727 at 2623–2624. Guildford Document Depository. UQ 33300.

74. Oldman M. *[Letter to Henry Ntaba].* November 3, 1993. British American Tobacco Company. 502555324–5328 at 5324. Guildford Document Depository. UQ 33275.

75. Oldman M. *[Letter to Henry Ntaba].* November 3, 1993. British American Tobacco Company. 502555324–5328 at 5327. Guildford Document Depository. UQ 33275.

76. ITGA. *The Way Ahead*. January 1, 1992est. British American Tobacco Company. 502552621–2727 at 2624. Guildford Document Depository. UQ 33300.

77. *Activity Report: February 1993*. February 1993est. British American Tobacco Company. 502552497–2498 at 2498. Guildford Document Depository. UQ33295.

78. ITGA. *The 1994 Agro–Tobacco Programme—Proposals for discussion*. January 1994est. British American Tobacco Company. 502552388–2390 at 2390. Guildford Document Depository. UQ 33292.

79. Oldman M. *Paper for ITGA General Meeting, 1994.* 1994est. British American Tobacco Company. 502552280–2293 at 2288. Guildford Document Depository. UQ 33286.

80. ITGA. *1995 Agro–Tobacco Programme—Proposals for Discussion*. 1995est. British American Tobacco Company. 502552341–2344 at 2341. Guildford Document Depository. UQ 33288.

81 Oldman M. *Paper for ITGA General Meeting, 1994.* 1994est. British American Tobacco Company. 502552280–2293 at 2289. Guildford Document Depository. UQ 33286**.**

82. The ITGA 1996 Work Programme. *Tobacco Courier 1995; December: 6–8.* British American Tobacco Company. 601030394–0396 at 0395. Guildford Document Depository. UQ 33319.

83. Bickers C. Growers Pledge to Fight WHO's Tobacco Free Initiative. *World Tobacco* 2000; January:15–16.

84. www.tobaccoleaf.org/releases/ releases.htm. June 27, 2000.

85. ITGA. *Tobacco Farmers from 3 Continents Call on United Nations To Wait for Major FAO Study.* PR Newswire. June 14, 2000. UQ 33735.

86 . This report found, for example:

"A major reason for governments' inaction over tobacco is their fear of creating unemployment. This fear is derived mainly from the arguments of the tobacco industry, which says that control measures will result in millions of job losses across the world. Yet a closer inspection of the arguments, and the data on which they are based, suggests that the negative effects of tobacco control on employment have been greatly overstated. Tobacco production is a small part of most economies. For all but a very few agrarian countries heavily dependent on tobacco farming, there would be no net loss of jobs, and there might even be job gains if global tobacco consumption fell. This is because money once spent on tobacco would be spent on other goods and services, thereby generating more jobs. Even the handful of tobacco–dependent economies will have a market big enough to ensure their jobs for many years to come, even in the face of gradually declining demand."

World Bank. *Curbing the Epidemic : Governments and the Economics of Tobacco Control.* Washington, D.C.: World Bank, 1999.

87. See ITGA web site: www.tobaccoleaf.org. June 2000.

VI. AN "INDEPENDENT" CRITIC OF WHO

A. Introduction.

In direct response to increased tobacco control activities by WHO in the late 1980s, certain tobacco companies, led by Philip Morris and British American Tobacco Company (BAT), intensified their campaign to undermine WHO's tobacco programs. The companies' strategy was to redefine the mandate of WHO, or at least redirect its priorities away from tobacco. A key part of the campaign was to try and influence the priorities, direction and budget of the Pan American Health Organization (PAHO). If successful, at least one major tobacco company intended to repeat this strategy in other WHO regions, including Africa, the Philippines and India.[1]

The tobacco companies' counter-offensive included using "independent" academic institutions, consultants, and journalists to undermine the organization's credibility, to question its "mission and mandate," and ultimately to stop WHO from working on tobacco control. These individuals and institutions were, in fact, paid by tobacco companies to promote pro-tobacco or anti-WHO opinions. Many tobacco company documents suggest that Paul Dietrich, a US lawyer with long-term ties to tobacco companies, played a significant role in this element of the tobacco companies' strategy.

Dietrich wrote articles and editorials attacking WHO's priorities, which were published in major media outlets and widely disseminated by Philip Morris. He also traveled around the world for key tobacco companies, giving presentations to journalists and government officials on WHO's inappropriate spending and priorities. While Dietrich was not alone in criticizing WHO at that time, no mention was ever made in Dietrich's articles and presentations that he received significant tobacco company funding.

In 1990, Dietrich was appointed to the Development Committee of PAHO, a position that he held for several years. During at least part of this period, Dietrich received consulting fees from BAT. In 1991, a BAT official claimed that Dietrich had persuaded PAHO to remove tobacco control from its priorities. Although PAHO disputes this assertion, the documents suggest that Dietrich may have been successful in focusing PAHO's resources on other priorities.

In an interview for this report, Dietrich disputed the account of his activities presented by the tobacco company documents. He asserted that he never worked for the industry, that his participation in industry meetings was paid for by organizations whose ties to the tobacco industry were unknown to him. Dietrich also maintains that the tobacco company documents describing his projects with BAT were written by industry officials seeking to take credit for his own work. Dietrich's version of events is difficult to reconcile with the documents, which suggest a long financial relationship with tobacco companies.

The case of Paul Dietrich shows the extent to which tobacco companies will go to foster "independent" criticism of WHO. This case study also suggests the need for strengthening WHO's conflict-of-interest standards.

B. Background

Paul Dietrich is a US citizen, trained as an attorney, who has also worked as a

publisher, writer, and consultant. In the early 1980s, Dietrich was affiliated with the National Center for Legislative Research. This organization published a journal called *Legislative Policy*, edited by Dietrich.[2]

In the mid-1980s, biographical notes on Dietrich indicate that he was the publisher and editor of the *Saturday Review*, a magazine in the US. Later in the 1980s, Dietrich became President of the Institute for International Health and Development (IIHD). IIHD, which was affiliated with the Catholic University of America, was, according to a journal it published, a "non-profit, tax-exempt educational foundation devoted to examining public health and developing policies affecting developing nations.[3]

In the 1990s, Dietrich was affiliated with two law firms: Jones, Day, Reavis, and Pogue, and Squire, Sanders and Dempsey. According to Dietrich, his association with IIHD continues, although the organization is no longer affiliated with Catholic University.[4]

C. Dietrich's Role in the WHO "Redirection" Strategy.

Paul Dietrich's work with tobacco companies encompassed an array of anti-WHO activities over the course of a decade between the early 1980s and the early 1990s. This section of the case study examines the role played by Dietrich, an ostensibly "independent" expert on WHO, in the tobacco company strategy to redirect WHO's priorities away from tobacco control. The documents suggest that his activities for tobacco companies included briefing journalists and politicians from different parts of the world on WHO's "misguided" tobacco work, drafting articles criticizing WHO that were disseminated by a tobacco company, and staging conferences whose purpose was to undermine WHO tobacco control activities. Throughout this work, Dietrich's connection to tobacco companies remained invisible. The culmination of Dietrich's campaign to undermine tobacco control at WHO came during his tenure on PAHO's Development Committee, while also working with BAT.

1. Media Seminars.

One of the key public relations strategies tobacco companies have employed over the years is to invite a small number of selected journalists to a conference where they hear the views of people who will provide the company's viewpoint on topics of importance to the industry. Topics for discussion normally include the contentious issues that the industry faces, such as smoking and health, the health impact of environmental tobacco smoke (ETS), and addiction.

By 1984, tobacco company documents show that Dietrich was being used by Philip Morris to address a conference for journalists from Spain and Latin America, where he talked about "suppression of certain research by the National Institutes of Health." Dietrich focused mainly on what he alleged was suppression of research showing that tobacco does not cause disease.[5] "The purpose of this conference," wrote Tim Rothermel in a Philip Morris document, "was to have the tobacco industry's point of view clearly and fairly stated by exposing leading journalists to myths and realities about passive smoking, the economic impact of the tobacco industry, the negative effects of restrictive advertising, etc."[6]

Dietrich's work on the National Institute of Health generated considerable interest in Philip Morris. "After carefully reading the

material on NIH-sponsored research, the proposed article for publication, and several conversations with Mr. Dietrich, I have arrived at the following conclusions," wrote Francisco Jose Moreno, from Philip Morris, "This could be the biggest break the industry has had since the S & H [smoking and health] controversy began."[7] Moreno proposed to create a task force to develop a campaign based on Dietrich's work.[8]

In 1987, Dietrich again appeared at a Philip Morris briefing for Latin American journalists. His topic was the "Smoking and Health Controversy, Role of the Media."[9]

Dietrich also appears to have provided more general advice to Philip Morris on how to communicate the company's messages to the public. A 1991 report states that a Philip Morris official met with Dietrich on "the fine tuning of the short-term plans for communicating our messages, ie. [sic] the definition of content, the choice of method and form of the presentation, the selection of audiences, the ways of approach to the audience and the timing."[10]

In the late 1980s and early 1990s, BAT and Philip Morris increased the use of media briefings, particularly in the developing world. The two companies held joint briefing sessions for the media in Latin America. BAT continued these briefings in the Caribbean and, supported by other members of the "Far East" tobacco industry, also organized briefings in Indonesia (for the Indonesian, Malaysian, Singapore and Hong Kong companies) and Taiwan, China.[11] In Africa, BAT ran a seminar in South Africa[12] and proposed to run a series of seminars with Rothmans and Rembrandt.[13] According to one BAT document:

> "The objective of these sessions is to improve the understanding that the media (primarily but not necessarily exclusively the print media) has of issues facing the tobacco industry. By educating them about our position and providing the backup of independent international experts, the aim is to make the media take our views more seriously, and to increase the chances that they will offer us the chance to comment as issues arise because they have learned that we have an opinion worth listening to and one that reflects the views of international experts."[14]

The companies designed the seminars to entice journalists. According to a BAT document:

> "The most successful [seminars] have adopted the following format:
>
> - a maximum of 15-20 journalists
>
> - location is somewhere pleasant (e.g., a beach resort), and away from the city where they work. Not only does this increase the chances of having their undivided and uninterrupted attention, but it motivates them to attend and they will enjoy it more.
>
> - to ensure that full advantage is taken of the location and that we do not induce information overload, the briefing session is typically run over two days with a half day of presentations and a half day free on each of those two days."[15]

The documents show that the companies took care to assure the assembled journalists that the experts making presentations were "independent" of the industry. One BAT document explained that: "the local industry is a totally up-front sponsor, but it is made clear that the international experts are in no way representing the industry."[16] Other documents prepared for the press gave a

similar message: "the international experts are respected academics or professionals who are quite independent from the tobacco industry."[17] None of the documents suggest that the tobacco companies ever disclosed the experts' financial ties to tobacco companies.

Paul Dietrich was highly valued by the companies involved in these briefings. One document describes him as a lawyer from Washington, DC, USA, who:

> "gives an excellent presentation questioning the priorities of the WHO in targeting tobacco and alcohol when countries in many parts of the world have different health priorities, and when children are dying in Africa, Latin America and many countries in Asia through easily preventable diseases, simply through lack of funding. His analysis of the WHO budget brings out all the best investigative journalism instincts, and he rarely fails to make an impression on the media. His position on the development committee of the Pan American Health Organisation (the Latin American branch of WHO) makes his credentials impeccable. When unavailable, Robert Tollison from the USA has been an alternative."[18]

The documents show that Dietrich spoke on the topic of WHO at tobacco company seminars in Argentina,[19] Venezuela,[20] Costa Rica,[21] Guatemala,[22] Madrid[23] and Taiwan, China.[24] One document shows that Dietrich requested a fee of US$1600 for one of his appearances.[25]

On one occasion at least, Dietrich was also scheduled to discuss PAHO, while still on the PAHO Development Committee. Following up on a 1992 memo discussing a meeting of Latin American journalists with Dietrich as one of several "activities that might be undertaken or sponsored by the tobacco industry during 1993,"[26] John Rupp, from the US law firm, Covington and Burling, sent a possible agenda for the proposed journalist's visit to Washington, DC, USA. On the agenda, Paul Dietrich was to speak for one and a half hours on "WHO/PAHO priorities and the role of journalists in assessing such priorities."[27]

After Dietrich's relationship with BAT had soured, the media seminars continued. Robert Tollison, identified as a professor economics in the US and Director of the Center for Study of Public Choice in tobacco company documents[28], took Dietrich's place, speaking on WHO at seminars in Venezuela,[29] South Africa,[30] India,[31] Pakistan,[32] and Sri Lanka.[33]

According to Dietrich, the meetings and seminars for journalists were organized by LIBERTAD (an organization that was itself funded by Philip Morris[34] (see Chapter IV)), and not Philip Morris or BAT directly. Thus, although he received payment for these appearances, Dietrich says that the payments did not, to his knowledge, come from the tobacco companies themselves. According to Dietrich, he only realized that the seminars were organized by BAT and Philip Morris some time later.[35]

The committee of experts notes that although LIBERTAD is mentioned in a few of the early seminars, there are no indications in the documents that LIBERTAD was involved in the later seminars.

Dietrich also says that he received only his expenses for these media seminars.[36]

2. Media / Political Tours on Behalf of Tobacco Companies

Dietrich appeared not only at individual seminars, but was invited to tour whole regions, promoting the tobacco companies' anti-WHO agenda and gathering intelligence. For example, in 1991, there is a series of letters between Clive Turner of the Asian Tobacco Council, BAT, and Dietrich about a proposed tour of the region by Dietrich.[37] An unmarked document in this series, which appears to come from the Asian Tobacco Council, addresses the "The World Health Organisation," and the benefits that a Dietrich visit would bring. It states:

> "Here in this region, the WHO is active enough to give us real cause for concern, and it needs slapping down, preferably by a third party…[S]o we should consider inviting Paul Dietrich for a regional tour. His impact here would be considerable, and if anyone has any doubts about this, then ask Don Harris [Philip Morris representative on the Asia Pacific Council] his opinion. I think he would agree Dietrich provides a powerful antidote to the ego and posturing which rather sadly makes up today's WHO. Dietrich's knowledgeable line puts in perspective the WHO's loss of direction and its preposterous spending on the wrong things. I strongly recommend we go with this, but I say this without currently knowing Dietrich's forward commitments."[38]

Dietrich in fact toured Asia in late 1991 and reported back to BAT on his visit to the Minister of Health in Thailand and to the Director of the Western Pacific Regional Office (WPRO), the Asia-Pacific region of WHO.[39] The report suggests that Dietrich obtained information about the tobacco control plans of the Asian International Organization of Consumer Unions and from the Thai Minister of Health, by allowing each of them to believe that he was a health activist. He reported this intelligence back to BAT and advised BAT that if the tobacco industry moved quickly it might be able to modify upcoming legislation. The report also suggests that Dietrich managed to obtain a draft copy of a six-year strategic plan for WPRO before it was publicly available, and gained other valuable intelligence from the Regional Director.

> "I met for two hours with Dr. Han, the Director of the Asia-Pacific Region of the World Health Organization at his offices in Manila . . . He said he would like to set up a meeting with the tobacco industry and anti-smoking groups to see if the tobacco industry would voluntarily ban advertising and strengthen warning labels without being forced to do so by government.
>
> "I obviously did not pursue the matter, but there may be an opportunity here to discuss voluntary advertising codes rather than the banning of all tobacco advertising. I also discussed with Dr. Han the Ninth General Program of Work (1995-2001) for the World Health Organization . . . This is essentially the Six-Year Strategic Plan for each region within the World Health Organization. Dr. Han was very surprised that I had a copy in that it had just been issued two days before. He also made a strong point of saying this was just a draft and not the final version.
>
> "The report does not include (as I understand for the first time) any stated priority for 'tobacco or health.'
>
> "When I asked why 'tobacco or health' was not a stated priority of the Asia

Region, he said since he wasn't planning to spend money, but just to work with government officials, it would fall into the 'health education' or 'other health promotion activities' categories".

"I am not exactly sure how this will all play out, but this may help in *our fight* against IOCU by saying that 'tobacco or health' is not now a WHO regional priority for the Asia-Pacific Region"

" I must reiterate that this is a first draft but was approved by Dr. Han and reflects his priorities."[40] [Emphasis added.]

BAT also looked to Dietrich to promote anti-WHO views in South Africa. In August 1991, Sharon Boyse, from BAT, wrote to him, stating:

"Our companies in South Africa, along with the rest of the industry, is [sic] facing a piece of anti-smoking legislation the major justification for which seems to be the Minister's worry that South Africa is not in line with WHO proposals (although they are not members of the WHO). As well as a direct campaign against the legislation I have been talking to the industry about the possibility of questioning the WHO's priorities in the region. Although South Africa has a very sophisticated medical system it still has many major disease problems in the black population.

"Basically the industry would be interested (at some stage in the near future yet to be determined) in having you do a tour of South Africa, plus the neighbouring countries of Botswana, Namibia, Lesotho, etc. They would be interested in South Africa in having presentations made to the Ministries of Health and Finance, as well as constitutional advisers and regional/black governments.

"They understand that this should be totally independent of the industry and I would like to discuss with you, (a) whether you would be prepared to do this and (b) if so, what platform/excuse you could use for your visit."[41]

A month later, Boyse wrote to Dietrich again asking how much BAT should budget for 1992 regarding his consultancy services.

"Obviously, we would not expect to budget for media tours or for specific country-related activities such as that relating to South Africa, or major regional proposals such as that under consideration in Latin America, because we would expect that they would come out of the operating company budget in that country and not ours."[42]

It is unclear from the documents whether Dietrich toured South Africa. According to other documents, Dietrich also planned to meet with Health Ministers in Argentina in 1992, ostensibly on behalf of PAHO, but also to advance tobacco company plans to undermine the 8th World Conference on Tobacco OR Health that year.[43] (See Chapter VII.)

3. Criticizing WHO in the Print Media

In the late 1980s, Dietrich began to publicly attack the organization through the press. From 1988 through to 1993, he wrote numerous articles criticizing WHO in the mainstream media, mainly in the US, including the *Wall Street Journal, International Herald Tribune* and the *Washington Times*. Most of the articles published by Dietrich were timed to coincide with the annual meetings of the

World Health Assembly (WHA), WHO's governing body.

The committee notes that many of the criticisms of WHO expressed in Dietrich's articles were not Dietrich's alone, but played upon wide dissatisfaction with the organization at that time. Nevertheless, the articles did not disclose Dietrich's ties to tobacco companies. In addition, the documents suggest that Philip Morris played a role in the publication and wide dissemination of some of Dietrich's articles, in furtherance of their campaign to undermine WHO and redirect its priorities away from tobacco control.

The overt theme of Dietrich's published articles was to question WHO's competence, direction and budgetary priorities, especially towards the health needs of developing countries. "I have been leading a one man fight against the excesses, corruption and misguided policies of the World Health Organization on the editorial pages of the Wall Street Journal and the International Herald Tribune" wrote Dietrich in correspondence with BAT in 1993.[44] The underlying theme of the articles, however, was that WHO should not be spending on "lifestyle issues" of affluent Western countries, such as "anti-smoking and seat belt-safety campaigns." Instead, the organization should be redirecting this money to addressing the urgent health needs of poorer countries, such as malaria and childhood immunization.

Some of Dietrich's most prominent attacks came in the *Wall Street Journal*. On May 5, 1988, Dietrich's article, "WHO's Budget 'Crisis,'" appeared in European edition of the *Wall Street Journal*, just before the annual WHA. An identical article appeared in the US edition two weeks later. His by-line stated that Dietrich was "ex-publisher and editor of Saturday Review" and was currently "Chairman of the International Hospital Committee of the Malta-Federal Association in Washington. The order is one of the world's largest charitable associations." The article attacked WHO's statements that it was suffering from a budget crunch, arguing that WHO had more than enough money, but was spending it on the wrong things. Dietrich contended that WHO had lost respect and, to regain it, must redirect its spending towards the "real health needs in developing countries."[45]

A year later, another article appeared, once again timed for the WHA. On May 9, 1989, Dietrich's article "WHO Spends Money on WHAT?" was published in the *Wall Street Journal*. This time his by-line had changed, describing him as a "former publisher and editor of Saturday Review" and "President of the Catholic University of America's Institute for International Health and Development, in Washington."[46] Once again, Dietrich criticized WHO's failure to fund programs of use to developing countries, and focused attention on WHO's "bloated bureaucracy."

> "The majority of funds are allocated to a bloated bureaucracy out of step with the evolving health problems of the developing world.
>
> ". . .Why, for example, will WHO meetings - meetings, not programs - require $14 million over the next two years? The cost of the World Health Assembly alone for 1990-91 is more than twice the proposed budget allocation for combating malaria in Africa."[47]

The documents suggest that Philip Morris was involved in the publication and dissemination of this article, although Dietrich denies that the industry had any role.[48] Internal documents from Philip

Morris' Boca Raton campaign list "publication of Wall Street Journal article to coincide with annual WHA meeting" as one of Philip Morris' accomplishments for the month of May, 1989, under the heading "WHO/UICC/IOCU "Redirection / Containment."[49] (See Chapter IV.)

In September of that year, a status report on the Boca Raton strategy states that "Merchandising of May 9, 1989 'Wall Street Journal' article [is] underway." And, indeed, virtually identical editorials began to appear throughout the US, including influential newspapers like the *Boston Globe*, quoting from "Dietrich's horror stories" about WHO, and attacking WHO's spending priorities.[50] In addition, in November of 1989, a Philip Morris document of uncertain authorship includes a slightly edited version of the May 9, 1989, *Wall Street Journal* article, and is headed "Suggested Uses: - Tobacco trade press, Travel trade press, Feature editors."[51]

In 1990, on May 11th, once again the *Wall Street Journal* published Dietrich's article "WHO's to Blame: Fixing World Health Aid." He was described as "President of the Institute for International Health and Development, which is affiliated with the Catholic University of America in Washington in America."[52] Dietrich argued that WHO was allocating too much money to developed countries and to its own bureaucracy, at the expense of poor countries. The article urged that WHO "reevaluate its mission" and "narrow its focus" to the needs of the poorest countries.

The following month, James Mason, the US Assistant Secretary for Health, wrote to the Editors of the *Wall Street Journal* and the *Washington Times*, which had published a column based on the Dietrich article, asserting that Dietrich's article "gives a very misleading impression of the work" of WHO "and does a serious disservice to an outstanding international organization."[53]

On May 17, 1991, Dietrich published his now-familiar article on the occasion of the WHA, this time in the *International Herald Tribune*. He again argued that WHO's bureaucracy was bloated and that the organization must redirect its spending to "better health for the world's less fortunate." In this article, however, Dietrich became explicit that tobacco control programs were inappropriate uses of WHO's money. Lumping tobacco control with "seat-belt safety campaigns" and "environmental education programs," Dietrich argued that these programs benefit only rich countries and do not serve poorer countries:

> "WHO priorities tend to reflect the concerns of rich donor countries rather than of the Third World.
>
> The health ministers of developing countries are tired of being forced to spend enormous amounts of available money on Western agendas like anti-alcohol, anti-smoking and seat-belt safety campaigns, or environmental education programs. Scarce resources could be better used to purchase vaccines, medicines and equipment for those dying every day from preventable diseases."[54]

In the 1991 article, Dietrich also urged the elimination of WHO's European office and its programs. Of WHO's regional offices at that time, the European office had the most developed and effective tobacco control program. A 1991 letter from BAT to Dietrich asked for copies of Dietrich's articles on WHO as part of his consultancy agreement with BAT.[55]

Dietrich again published an article in the *Wall Street Journal* in 1992, criticizing

WHO. This article accused WHA delegates of focusing on "the economics, social behavior, life-style and politics of health," while spending "little time and even less money on the world's most serious health emergencies."[56] Using almost identical language from the 1991 article, Dietrich again argued that health ministers from developing countries do not want to spend money on tobacco control and seat belt-safety campaigns.

The 1992 article also promoted Dietrich's campaign at the Pan American Health Organization (PAHO) to redirect resources to problems such as cholera:

> "Fed up with the lack of leadership from WHO, Latin American ministers of health have turned to Dr. Carlyle Macedo, the courageous Director of the Pan American Health Organization (PAHO). He has borrowed from his own over-extended budget to organize regional direct relief and emergency management of the [cholera] epidemic, and to provide an education campaign and long-term strategy to eliminate the cause of cholera. WHO could learn a lesson in on-the-ground leadership from the senior management at PAHO.
>
> "If WHO refuses to listen to the Third World, then perhaps it is time to create an international health organization that will."[57]

A Philip Morris document shows that Philip Morris International distributed and used Dietrich's 1992 article to respond "to inquiries concerning 'World No-Tobacco Day' and various other WHO anti-smoking activities."[58]

At the end of 1992, Dietrich claimed to have been instrumental in the publication of another article critical of Director-General Nakajima of WHO during his re-election bid, but this time without Dietrich's by-line. According to a memorandum from Dietrich to BAT, Dietrich arranged to have the article placed at the request of the US State Department. (The committee of experts has not attempted to confirm whether the US State Department actually played a role in the publication of the article.) Dietrich wrote to BAT:

> "[T]wo months ago, I told you the State Department had passed along to me a number of confidential cables regarding Dr. Nakajima's campaign for re-election to the post of Director of the World Health Organization. The State Department ask [sic] if I could do an op-ed article for either the Wall Street Journal or the International Herald Tribune.
>
> "After receiving the cables and a packet of other information, I realized this was more of a news story than an opinion piece. . . One of the editors at the New York Times was very interested in the story and for eight days I spent almost all of my time finding sources, other documents, and experts . . . After you read the article you will probably see a few of my views included in the article as I was one of the 'unnamed' sources for the article.
>
> "The article appeared on the front page of the Sunday, New York Times on December 20, 1992 and was reprinted all over the world including in all Japanese newspapers.
>
> "Before this article appeared, everyone expected Dr. Nakajima to be re-elected. However, the State Department now informs me that because of the New York Times story . . . they now believe that Dr. Nakajima has less that a 50%

chance of being re-elected. They are cautiously optimistic that he will be replaced by Dr. Mohammed Abdelmoumene."

"One might ask whether Dr. Mohammed Abdelmoumene better [sic] than Dr. Nakajima? Unfortunately, I can't answer that question. Dr. Nakajima was unorganized, abrasive, incompetent and not very bright. My understanding from people who know Dr. Mohammed Abdelmoumene is that he is corrupt and not very bright.

"My own view is that when a new Director is elected, there are months of uncertainty as top administrative bureaucrats are replaced or reshuffled and little or nothing is accomplished during the period of transition. This happened during the transition of Dr. Nakajima and I expect the same will be true if he is defeated in the election later this month.

"As you know, I have been leading a one man fight against the excesses, corruption and misguided policies of the World Health Organization on the editorial pages of the Wall Street Journal and the International Herald Tribune. For a long time these were the only two newspapers willing to say a 'bad word' against the World Health Organization. The New York Times article is the first major article in a major newspaper that reports as a 'news' item, the excesses and corruption in the World Health Organization as well as other 'Western Criticisms' of the organization. I believe this article may be a breakthrough in beginning to question and discredit some of the people and policies heading the World Health Organization.

"*It has taken a few years, but I believe the seeds we have sown are beginning to bear fruit*."[59] [Emphasis added.]

The committee of experts does not support the statements expressed in this letter about Nakajima and Abdelmoumene.

Dietrich denies that the industry had any role in the articles he wrote, and maintains that he wrote them because WHO was a regulatory agency that seemed to be well meaning but ineffective, and whose priorities were skewed. Having spent a lot of time at WHO meetings in the early 1980s, Dietrich says he was appalled by the amount of money being spent on political advocacy as opposed to what he thought were the "real needs," such as malaria and cholera epidemics.

Dietrich claims he was critical of various WHO campaigns such as car safety, malaria, and tobacco control because they were misdirected or ineffective. He said that he was not opposed to tobacco control programs, only to ineffective ones.[60]

4. The Institute for International Health and Development (IIHD)

The documents suggest that Philip Morris and other tobacco companies were involved in IIHD, and made use of the organization and its magazine, *International Health and Development,* in their campaigns to undermine WHO's tobacco control activities. In 1988, Dietrich addressed the Philip Morris Boca Raton Meeting in Florida in 1988.[61] This meeting was followed by a series of actions by Dietrich and IIHD for Philip Morris. The 1988 Boca Raton meeting set in motion an extensive, well-financed Philip Morris campaign to fight tobacco control efforts. One of the central themes of the Boca Raton strategy

was WHO "redirection/ containment." (See Chapter IV). The complete Boca Raton documents show that publications by IIHD were to play an important role in Philip Morris' campaign against WHO.

IIHD described itself as a:

> "non-profit, tax-exempt educational foundation devoted to examining public health and developing policies affecting developing nations. The Institute provides a forum for debate on existing governmental and private program and encourages policymakers in the field to explore alternative ways of meeting the pressing health and economic needs of developing nations."[62]

But IIHD had been set up by David Morse, a one-time head of the UN's International Labor Organization (ILO),[63] who worked for Jones, Day, Reavis and Pogue, a law firm that has done significant work for tobacco companies. The tobacco company documents record that David Morse had a long association with Philip Morris that dated back to the 1970s, when he went on a Philip Morris "Mission" to Russia.[64] Morse was also the Chairman of the Advisory Group of LIBERTAD, an organization funded by Philip Morris and run by a Philip Morris employee (see Chapter IV and section 4, below). IIHD appears to have received indirect funding from Philip Morris (see section 4, below), and was used by Philip Morris to carry out several elements of its Boca Raton Strategy.

a) The Magazine

International Health and Development was intended to be a quarterly publication, whose apparent purpose was to portray a different side to the health and development agenda, one in which the "real" needs of developing countries were addressed and where WHO's priorities were attacked in a quasi-academic format. Philip Morris documents show that, as part of its Boca Raton strategy to redirect or contain WHO, the company disseminated 45,000 copies of two issues of the magazine.

Issue one of *International Health and Development*, appeared in March / April 1989. A March 31,1989, status report on Philip Morris' Boca Raton Action Plan lists as an accomplishment:

> "Distribution of first publication of the Institute for International Health and Development to 20,000 international opinion leaders."[65]

Two articles in the issue fit the tobacco company's agenda. An article entitled "W.H.O. In a Changing World," by Susan Ueber Raymond, criticized WHO's spending and priorities, sounding themes very similar to those found in Dietrich's *Wall Street Journal* articles.[66] A second article in the same issue, by Orville Freeman, called "Reaping the Benefits – Cash Crops in the Development Process," talked about the benefits of cash crops, including tobacco.[67] The documents indicate that Freeman, a former US Secretary of Agriculture, had earlier been hired to carry out work for Philip Morris.[68]

The second issue of the magazine was also widely disseminated by Philip Morris as part of its anti-WHO strategy under the Boca Raton Action Plan. According to a status report in September 1989, the Summer issue of *International Health and Development* had been "distributed to 25,000 government officials, policy makers and journalists."[69] This issue contained two letters to the Editor commenting on the articles mentioned above from the first issue of the magazine. One was from a WHO official, contesting Raymond's analysis of

WHO's budget and priorities. The magazine gave Raymond the right of reply, in which she called into question all of WHO's assertions.[70]

The second letter was from Heatherwick Ntaba, the Chief of Health Services, Ministry of Health, in Malawi. Although not mentioned in this letter, Ntaba's family held a large tobacco farm in Malawi. Ntaba spearheaded, with the support of tobacco companies, the campaign in the WHA to opposition from developing countries, on economic grounds, to tobacco control resolutions from that body. In this letter, Ntaba lauded Orville Freeman's article on the benefits of tobacco growing, and argued that WHO's tobacco control program would cause more deaths than it would save. He also took issue with WHO's failure to work with the United Nation's Food and Agriculture Organization (FAO) to look at the feasibility of substitutes for tobacco crops.[71]

The arguments made by Ntaba in his lengthy letter to the Editor were similar to arguments made by industry officials in attempting to gain the support of developing nations against tobacco control resolutions at the WHA. (See Chapter V.)

b) Other IIHD Activities for Tobacco Companies

According to the documents, IIHD was also used by tobacco companies as an "independent" organization through which they could disseminate their anti-WHO messages, and carry out other strategies to undermine WHO tobacco control programs.

(1) Philip Morris

The September 30, 1989 status report of the Boca Raton Action Plan highlights the role played by IIHD in Philip Morris' campaign against WHO. This document lists as an accomplishment IIHD's "presentation to 27 Ministers of Health from Latin America on WHO priorities and budgetary deficiencies," in Washington on September 27, 1989.[72] The 1990 Winter edition of *International Health and Development*, confirms that it held a "Ministers of Health Forum," on September 27, 1989, attended by 22 Ministers of Health from the Western Hemisphere. The meeting was co-sponsored by PAHO.[73] Thus, the documents suggest that, under the auspices of the IIHD, Philip Morris brought to Health Ministers of developing countries and PAHO officials its message that WHO's priorities must be redirected.

The IIHD also carried out another Boca Raton action item. According to the Boca Raton strategy documents, Philip Morris used IIHD to hire a budget analyst to analyze and publish WHO budgets:

> "Through Institute, financial budget analyst from Congressional Budget Office…retained to analyze and publish past two WHO budgets and new (1990/91) budget."[74]

(2) BAT

A 1989 document in BAT's files proposed a conference called "World Watch: Protecting our Global 'Next Generation' – A proposed Conference on Children's Health Issues."[75] The primary objective of the conference was:

> "To deflect anticipated media coverage and attention from the WHO anti-smoking campaign. In particular, to distract media from extensive coverage of the May 31, 1990 International Anti-Smoking Day and the 1990 of Smoking and Children."[76]

The secondary objective of the conference was:

> "To undertake a long-term initiative to counteract the WHO's aggressive global anti-smoking campaign and to introduce a public debate with respect to a redefinition of the WHO's mandate."[77]

The conference was to be hosted by IIHD, and it was to be televised internationally through an interactive satellite hook-up. This meant that "[p]articipating cities could include those from each of the six WHO regions – The Americas, Africa, Eastern Mediterranean, Europe, South East Asia, and the West Pacific – and Geneva, WHO Headquarters."[78] The estimated cost of the conference was US$4-6 million.[79] Apparently, the conference was not carried out.

Dietrich also made clear in a letter to BAT in 1992 that he viewed IIHD as a tool to fight tobacco control at WHO. In a letter in which Dietrich presented his bill to BAT for consulting fees, and then listed his ongoing tobacco-related activities, Dietrich said:

> "I also believe the Institute's work will become even more important over the next few years, given the change in Administrations and the 'stated' extreme anti-smoking positions of the new Clinton Administration's Surgeon General and Health and Human Services Secretary. During the Reagan/Bush Administrations there was always a tension between the White House and the US State Department (which opposed many of the policies of the World Health Organization) and the Surgeon General and Secretary of Health and Human Services (which generally supported the World Health Organization). Under the Clinton Administration it is quite clear there will be complete support from the White House, State Department, HHS [Department of Health and Human Services] and Surgeon General's Office with regard to the World Health Organization.
>
> "Because of the Clinton Administration change, I believe the Institute will have to become even more active and vocal in its constructive criticisms of the World Health Organization and the support it will be receiving from the US Government."[80]

Dietrich responded to the suggestion that IIHD was involved with tobacco companies by saying that that the assertion was "absolutely crazy." He stated that the only money the Institute received was through a foundation of Philip Morris' subsidiary, the Kraft General Food Foundation. The committee of experts notes that in the Boca Raton documents, Philip Morris proposed to use its Kraft/General Foods subsidiary to carry out some of its plans to undermine tobacco control activities. (See Chapter IV.)

Dietrich also labeled "crazy" the idea that a tobacco company public relations strategy was carried out under the auspices of the Institute. Dietrich acknowledged IIHD's involvement in the proposed Conference on Children's Health Issues, but denied that BAT was involved. According to Dietrich, the documents that appear to show that Dietrich was working with BAT on various projects were actually attempts by Sharon Boyse of BAT to take credit for work that Dietrich was doing independently.[81]

5. PAHO

In 1990, Dietrich was appointed to the PAHO Development Committee. The PAHO Development Committee, according to a PAHO official, was created to advise

PAHO on raising funds and obtaining resources to support PAHO communications activities.[82] Tobacco company documents from 1991 and 1992, while he was on the PAHO committee, include bills from Dietrich to BAT for a monthly consulting fee.[83] It was while at PAHO that Dietrich may have had the most significant opportunity to influence WHO policies on tobacco. The documents suggest that Dietrich used his position there to try to redirect the organization's priorities away from tobacco, by focusing more attention on childhood immunization and other diseases, and that he was able to use PAHO as an unknowing front for the tobacco companies' strategy to divert attention from the 8th WCToH. A PAHO official disputes the account provided by the documents, insisting that Dietrich had no influence over tobacco policy there.

The documents suggest that Dietrich's appointment to the PAHO committee was positive news for BAT, who now had an insider working on their behalf. As Sharon Boyse of BAT wrote about the tobacco company plans to undermine the 8th WCToH:

> "Our major advantage here has been our relationship with Paul Dietrich, a member of the development committee of the Pan-American Health Organisation, the regional branch of the WHO."[84]

Dietrich's appointment to the PAHO committee also sharpened his credibility as an independent expert on WHO, in the tobacco companies' campaign against WHO. "[N]ow that he is on the PAHO Board, his credentials are impeccable," wrote Sharon Boyse to Clive Turner of the Asian Tobacco Council.[85]

According to the documents, Dietrich seems to have exerted a degree of influence over PAHO's operations, priorities and budget. By August of 1991, Sharon Boyse wrote:

> "Paul has managed to persuade PAHO to take tobacco off their list of priorities for this year."[86]

Another 1991 BAT document echoes Dietrich's apparent success in influencing tobacco control activities in PAHO. The document discusses a proposal by Dietrich to "raise the profile of the question of health priorities in Latin America," which "would be based on Paul Dietrich's argument (which has worked with PAHO) that Latin American countries should not be spending money on tobacco programmes when a large proportion of children die from easily preventable diseases, and when there are still major health epidemics to be tackled such as the cholera outbreak."[87]

In December 1992, Dietrich sent Sharon Boyse a memo that he was continuing to use his position at PAHO to move the organization away from tobacco control:

> "My work on the Board of the Pan American Health Organization continues as I try to redirect their priorities toward disease control rather than life-style issues."[88]

When asked while he was on the PAHO committee whether he had tried to persuade PAHO to stop working on tobacco and concentrate more on issues like immunization and cholera, Dietrich replied that that was the "thrust" of it. He said that he did not specifically try to get PAHO to stop working on tobacco, but that he made it clear at committee meetings that PAHO's priorities should be different and that it

should spend more time working on diseases that were "actually killing people."[89]

However, a senior PAHO official disputes that Dietrich had any say over policy.[90] Richard Leclair, who was head of Information for PAHO from 1985-1995 and currently the Deputy Director and Senior Relations Office of WHO Liaison Office at the UN in New York, disputes Dietrich's influence at PAHO on the Development Committee, which only met twice a year. According to Leclair, the Development Committee looked at avenues or ideas to raise funds or resources for various types of communications activities for PAHO, such as AIDS or video projects. Leclair says that he assisted in all the meetings of the Development Committee and that the issue of tobacco was never discussed.[91]

Whether or not Dietrich directly influenced PAHO's stance on tobacco, it appears from the documents that he played a role in convincing PAHO to undertake certain public relations and educational activities that may have turned the organization's resources to other health priorities. These same activities appear to have been successfully used by tobacco companies to distract attention from the 8th WCToH. Again, PAHO officials dispute Dietrich's role.

According to the documents, Dietrich and BAT planned to fund a major media program just before the 8th WCToH in Buenos Aires in March 1992 whose purpose was to focus attention on health issues other than tobacco, including childhood immunization and AIDS. (See Chapter VII.) The documents also suggest that Dietrich involved PAHO unknowingly in this plan by encouraging the organization to sponsor a series of events that would further the tobacco companies' plans. For example in one document, Sharon Boyse reported:

> "…We have also been developing a number of strategies both in Argentina and the rest of the of the region that will lead to a questioning of the aims and conclusions of the conference.
>
> "Our major advantage here has been our relationship with Paul Dietrich, a member of the development committee of the Pan American Health Organisation, the regional branch of the WHO. Paul has long been a critic of WHO priorities in developing countries, arguing that they should not be proposing health spending on tobacco when, for example, children are still dying by the thousands from lack of easily obtainable and inexpensive vaccines and other medicines. . .
>
> We are therefore proposing a series of competing events, with PAHO sponsorship, on health priorities and in particular children's vaccination."[92]

Dietrich also wrote to BAT and Philip Morris regarding his proposal for diverting attention from the 8th WCToH. Part of the strategy was to hold a major teleconference on childhood immunization, and part was a television special on the same topic, starring Latina US entertainer Gloria Estefan. Both would be sponsored by PAHO:

> "Originating from Rio de Janeiro on March 19, 1992, the Pan American Health Organization ("PAHO") will spend $1.5 million on a four-hour teleconference throughout Latin America promoting their new children's vaccination program. This live teleconference will be seen by over 40,000 health care workers in interactive teleconference centres throughout Latin America. The press will be invited in each country and PAHO plans to spend

over $150,000 promoting the conference to the press …

"Because of the $1.5 million PAHO Teleconference and the money they are spending in public relations, we now have a date certain which will be a media event in and of itself. Because of this single event, all of the press will be willing to write articles as well as cover the Teleconference. The press as well as the Teleconference will be promoting the Gloria Estefan television special. Because she will be performing, it will obviously draw a very large audience.

"I believe this should satisfy some of the reservations that were expressed in Argentina. We now have a major media event around which to work. Secondly, we have a major star, who will attract large audiences. We have also been assured we will get early prime time airing of the television special on March 19th. *All of this is perfectly timed for our initiative at the Eighth World Tobacco Conference. For the month leading up to the Tobacco Conference, all of the press will be focused on the major health priority in Latin America, which is to vaccinate all children.*

"One last item. PAHO has tentatively scheduled me to speak at the meeting of Ministers of Health in Argentina to report on the success of the vaccine teleconference and the television special. We will show clips of the television special and Teleconference, as well as outline future follow-up events. This will give us another opportunity to hammer home this issue in the press in Argentina right in the middle of the Tobacco conference."[93] [Emphasis added.]

Thus, according to the documents, Dietrich appears to have involved PAHO in the tobacco companies' campaign to undermine the 8th WCToH, using both its name and its money to create a diversion from, and cast doubt on, WHO's tobacco control agenda. Dietrich says the television special with Gloria Estefan in fact occurred. Moreover, Dietrich says that the event was sponsored by PAHO, with him writing the original budget and business plan. According to Dietrich, it was a "spectacular success."[94]

Dietrich claims, however, that it had nothing to do with BAT or the 8th WCToH. Dietrich initially denied any involvement with BAT, saying that he did not know anyone there. Later in the interview, he admitted to telephone calls with BAT, in which, according to Dietrich, BAT officials sought information from Dietrich about WHO. To explain the documents that appear to show that Dietrich carried out projects for BAT, Dietrich again said that Sharon Boyse of BAT called Dietrich on the telephone, inquired about Dietrich's work and then took credit for his work and ideas within BAT.

Carlyle Macedo, then the Regional Director of PAHO, agrees that the vaccine television show did occur and was taped in Miami.[95] According to Ciro de Quadros, Director of the Division of Vaccines and Immunization at PAHO, however, Dietrich had no influence on the PAHO immunization program.[96] He stated that the teleconference with health workers did not occur.

The documents reveal that Dietrich also provided information about WHO and PAHO to BAT while he was on the PAHO Development Committee.[97] In a letter to BAT dated October 8, 1991, Dietrich wrote:

> "Through my law firm, Jones, Day, Reavis and Pogue, I will be able to provide you with the following information and advice on an ongoing basis:
>
> "Ongoing provision of information on World Health Organization priorities and on the WHO regional offices especially the Pan American Health Organization and its activities in Latin America and the Caribbean region. . .
>
> "My hourly rate is [US]$240 per hour. In order to provide you with all of the above information as well as providing ongoing advice and review of information, documents and other proposals you will be sending me, I estimate this will take about 16 hours per month. Therefore, I would ask you to please budget [US]$3,840 each month for the above services."[98]

Dietrich denies that he ever had a retainer agreement with BAT and denies that he received any money from BAT. Dietrich says he does not recall ever sending anyone in the tobacco industry bills for his time. According to Dietrich, a letter of the kind quoted above could have been the result of blind mailings by Dietrich to everyone in his law firm Rolodex, soliciting work.[99]

D. Short Chronology of Dietrich's Relationship with and Financial Ties to Tobacco Companies

The documents provide evidence of Paul Dietrich's financial links to tobacco companies. Many documents show that Dietrich and the organizations he operated received significant funding from key tobacco companies. Tobacco company documents include bills from Dietrich to BAT and another refers to Dietrich's "expensive consultancy"[100] with BAT.

The documents indicate that by 1983, Dietrich had begun to receive funding from tobacco companies. The 1984 budget for the US Tobacco Institute lists a 1983 grant of US$30,000 to Dietrich's National Center for Legislative Research.[101] This appears to have been a mutually beneficial relationship. A 1984 memo from a US Tobacco Institute official to its Executive Committee encloses three articles from *Legislative Policy*, NCLR's journal, edited by Dietrich, including one by a high-ranking Philip Morris official. The US Tobacco Institute memo extols the value of the articles to the industry in its legislative battles and shows inside knowledge of upcoming articles:

> "I know you will be pleased with both the smoking restriction and excise tax articles, and the editorial on taxes by Shep Pollack [of Philip Morris]. The articles have been most beneficial in several state and local legislative battles.
>
> The next article of interest to the industry will be on fire safety and will appear in the May edition of Legislative Policy."[102]

Documents from 1984 and the early 1990s show a significant relationship between Dietrich and Philip Morris. Between 1984 and 1988, Dietrich spoke at a series of Philip Morris meetings. For example, in September 1984, Dietrich spoke on "Truth in Medical Science" at a three day Philip Morris Marketing meeting.[103] Other presentations at the meeting were made by the Secretary-General of INFOTAB, and officials from the Tobacco Institute and Philip Morris. Dietrich says that he does not remember any internal marketing meetings at Philip Morris.[104] A year later, in 1986, Dietrich spoke at another Philip Morris Corporate Affairs conference as part of a panel called "LIBERTAD – In defense of Free Commercial speech."[105]

Although the exact nature of Dietrich's financial relationship with Philip Morris is not revealed in these documents, internal documents indicate that Philip Morris viewed him as one of its consultants. Several documents in the Philip Morris document website are listed as having come from an internal Philip Morris file entitled "Consultants: Dietrich, Paul."[106]

Philip Morris also appears to have provided indirect financial support to IIHD. In 1991, Philip Morris gave a "major grant" of US$240,000 to the Catholic University, to which IIHD was affiliated. Dietrich was on the Board of Trustees for Catholic University. At the same time, Philip Morris gave US$200,000 to LIBERTAD, US$150,000 to America-European Community Association and US$80,000 to the New York Society.[107] LIBERTAD, AECA, and the New York Society were each run by a Philip Morris employee, Andrew Whist, and used for Philip Morris' purposes (see Chapter IV).

IIHD also received income from the Kraft/General Foods Foundation.[108] Kraft/General Foods is one of Philip Morris' operating companies, and, as noted above, was used by Philip Morris to further its plans to undermine tobacco control activities at WHO.

By at least 1991, Dietrich had begun negotiations to receive a monthly retainer fee as a consultant for BAT. A letter from Sharon Boyse of BAT to Dietrich in 1991 states that with regard to "future consultancy arrangements with you on issues such as PAHO/ WHO, Eastern Europe etc. we must have an estimate to put into our budget or we simply will not be able to go ahead."[109] Dietrich wrote back:

> "Through my law firm, Jones, Day, Reavis and Pogue, I will be able to provide you with the following information and advice on an ongoing basis:
>
> "Ongoing provision of information on World Health Organization priorities and on the WHO regional offices especially the Pan American Health Organization and its activities in Latin America and the Caribbean region. I will also provide similar information for Europe and Eastern Europe – Hungary in particular.
>
> "You will be provided with information on the activities of the Institute for International Health and Development, affiliated with Catholic University of America and you will receive its magazines and be provided with copies of articles and special reports on the World Health Organization.
>
> "We will also keep you informed on a regular basis on the activities of the America Cancer Society, the National Institutes of Health and other organizations of interest to your industry.
>
> "On an ongoing basis I will review information, documents and proposals that you will send to me from time to time for my advice.
>
> "My hourly rate is [US]$240 per hour. In order to provide you with all of the above information as well as providing ongoing advice and review of information, documents and other proposals you will be sending me, I estimate this will take about [US]$16 hours per month. *Therefore, I would ask you to please budget [US]$3,840 each month for the above services.* Obviously, this would not include travel or speaking arrangements for specific country-related activities such as that relating to

South Africa or major proposals such as that under consideration in Latin America. If you have any questions, please don't hesitate to contact me."[110] [Emphasis added.]

The documents suggest that through 1992, Dietrich was paid monthly consulting fees by BAT. In a letter to BAT, Dietrich included the following bill for his services:

"I am attaching with this memo, a copy of a bill for *my monthly consulting fees* from June 1, 1992, through September 30, 1992. During this period of time, please make out your check payable to Paul Dietrich, 500 4th Street, S. E. Washington, DC 20003.

"For the period of October 1, 1992 through December 31, 1992, you will be receiving a bill for my monthly consulting fees from Squire, Sanders and Dempsey."[111] [Emphasis added.]

But a few months later, the relationship between Dietrich and BAT dissolved. There was a series of letters between the US law firm Covington and Burling, BAT, and Dietrich over payment of US$30,000 towards paying for a translation of a book on an industry-oriented conference on passive smoking (the McGill Conference),[112] which had been sponsored in part by IIHD.[113] A 1993 letter from Sharon Boyse of BAT to Matt Winokur of Philip Morris states:

"You may be aware from speaking to Cesar and Aurora that at our last joint media seminar in Venezuela, we found it necessary to obtain a replacement for Paul Dietrich's usual WHO presentation, and Bob Tollison agreed to step in at the last minute. In the course of giving the presentation, he produced more facts and figures on the WHO budget in writing than we have ever had out of Dietrich *in some time of paying him an expensive consultancy fee! . . .*

"We have subsequently had severe problems with Dietrich in relation to the Spanish translation of the McGill proceedings, which Aurora can also fill you in on if you are unaware. We, for one, will never use him again in this or any other respect. We therefore desperately need an alternative for media work and hopefully one that will publish something more substantial than Dietrich's usual stereotyped press articles.

"Tollison has agreed to carry out more work on the WHO and to publish, at our instigation, a collaborative effort with Digby Anderson of the Social Affairs Unit, on the WHO and other similar organisations. We are funding this publication through the SAU. However, understandably, Tollison is concerned about using Dietrich's data for a publication, especially given that in Dietrich's present state of mind he could well take offense and cause a major international incident!"[114] [Emphasis added.]

Dietrich was adamant in his interview that he never received any money from the industry and stated that there was no evidence of a check paid to him.[115]

E. Assessment

The case study demonstrates that tobacco companies, whose public credibility is low, have their positions publicly advocated by ostensibly independent "third parties." In this case, tobacco companies were successful over a period of many years at presenting Dietrich as an unbiased, independent expert. Moreover, the companies were also able to make use of Dietrich's Institute of International Health and Development for the same purpose, capitalizing on the credibility of an institution affiliated with an academic institution.

Although Dietrich denies that his long-standing campaign against WHO was funded by the industry or that he worked with the industry on any of the projects described in this case study, tobacco company documents paint a different picture. The committee of experts believes that the documents show that Dietrich had a long relationship with tobacco companies and that they used this relationship to promote their anti-WHO agenda.

The fact that Dietrich had such a relationship with tobacco companies raises significant concerns about his appointment to a committee at PAHO. The documents show that this was viewed as an important accomplishment for tobacco company officials that could be exploited in a number of ways. Dietrich would be in a position to try to influence WHO policy from the inside, his credentials as a WHO expert would be "impeccable," and he would be able to provide intelligence on WHO priorities and policies.

Whether or not Dietrich succeeded in influencing tobacco control activities at PAHO, however, the documents certainly suggest that he attempted to use his position to do so. The documents also suggest that he may have involved PAHO in tobacco company activities designed to undermine other WHO tobacco control activities. Finally, the documents show that Dietrich provided information to BAT about WHO and PAHO, while on the PAHO committee. It is thus obvious that there are significant conflict of interest issues raised by holding a position on a PAHO committee while apparently simultaneously receiving funding from the tobacco industry. To protect against future attempts by the tobacco industry to influence tobacco control activities in this manner, the committee of experts believes that conflict of interest and disclosure requirements for WHO employees, consultants, and advisors must be strengthened.

F. Conclusion

While Paul Dietrich presented himself to the world as an independent critic of the priorities of WHO, evidence from tobacco company documents reveals that he had a long, but undisclosed, relationship with some of the world's leading cigarette manufacturers. His writings, seminars, international speaking tours, journals and affiliated nonprofit institutions were all used by tobacco companies to further their campaign to undermine tobacco control activities at WHO. The committee could not reach a final determination on what Dietrich was able to accomplish on behalf of tobacco companies while on the Development Committee of PAHO. However, available documents do raise serious questions about whether he was able to use PAHO activities to distract attention from a WHO-sponsored tobacco control conference.

G. Recommendations

Based on its findings in this case study related to Dietrich's tenure of a PAHO

committee while a consultant to a leading tobacco company, the committee of experts has the following recommendations:

1. WHO should introduce a formal process for vetting prospective employees, consultants, advisors, and committee members to identify conflicts of interest.

2. WHO should require prospective employees, consultants, advisors, and committee members to disclose all past and current financial and other affiliations with tobacco companies, and to terminate any substantial current affiliations, except where there is a showing that an individual's contribution is essential.

3. WHO should extend the requirement to file an annual declaration of financial interests (currently applicable only to Cabinet members, Regional Director's and advisors to the Director-General) to all staff, consultants, advisors, and committee members in a position to influence WHO policies, programs, or research.

4. WHO should clarify the annual "declaration of financial interests" disclosure form, to ensure that disclosures include all sources of income, including gifts, grants, and honoraria; and all assets or items of value, such as real estate.

5. WHO should prohibit employees, consultants and advisors from holding any substantial financial affiliation with the tobacco industry, including any employment or consulting relationship. Prohibit any applicant with such a conflict, or who has had one in the recent past, from appointment as an employee, consultant, advisor, or committee member. WHO should determine a reasonable period of time prior to employment or appointment during which the person must have been free of such conflicts. This result may be implicit in a current prohibition against employees and consultants holding offices "incompatible" with their duties to WHO. This rule should be clarified and extended to advisors.

6. WHO should prohibit employees, consultants, advisors, and committee members from accepting any item of value from a tobacco company or its affiliates. This result may be implicit in a current rule against employees and consultants accepting any "gift or remuneration" from external sources "incompatible" with their duties to WHO. This rule should be clarified and extended to advisors and committee members.

7. WHO should provide for the possibility of termination of employees, consultants and expert advisors who conceal relationships with the tobacco industry or commit other serious and intentional offenses.

8. WHO should disqualify those guilty of serious offenses from re-employment or re-

appointment as consultants or advisors for a specified period of time. The length of such a disqualification should be determined by WHO, but should be consistent with the seriousness of the offense.

Based on the use made by tobacco companies of certain law firms, public relations firms, and their employees to further tobacco companies' anti-WHO initiatives, the committee of experts has the following recommendation:

9. WHO should disqualify any professional services firm from performing work on behalf of WHO if the firm also provides a tobacco company with services likely to be adverse to the interest of public health. Specifically disqualify any law firm, advertising or public relations agency from simultaneously representing WHO and a tobacco company.

Notes

1. *PMI Corporate Affairs Action Plan 1990*. 1990est. Philip Morris Companies Inc. 2500019979–9999. www.pmdocs.com. UQ 33558.
2. National Center for Legislative Research. *Legislative Policy*. 1982. Philip Morris Companies Inc. 2021587267–7268. www.pmdocs.com. UQ 33645.
3. *International Health and Development.* 1989. Volume 1. Number 1. March/April, p3. UQ 33667.
4. Interview with Paul Dietrich, May 11, 2000.
5. Dietrich P. *Remarks of Paul Dietrich. Madrid Conference*. November 1984. Philip Morris Companies Inc. 2504039345–9355. www.pmdocs.com. UQ 33646.
6. Rothermel T. *Inter–office Correspondence to Andrew Whist Regarding Conference of Latin American Journalists in Madrid*. December 3, 1984. Philip Morris Companies Inc. 2023272337–2338 at 2337. www.pmdocs.com. UQ 33668.
7. Moreno F J. *Inter–office Correspondence to Guy Smith Regarding NIH Research Policy*. January 10, 1985. Philip Morris Companies Inc. 2500010220. www.pmdocs.com. UQ 33670.
8. Moreno F J. *Inter–office Correspondence to Guy Smith Regarding NIH Research Policy*. January 10, 1985. Philip Morris Companies Inc. 2500010220. www.pmdocs.com. UQ 33670.
9. *Madrid. January 26–28, 1987 [Agenda*]. Philip Morris Companies Inc. 2021270008. www.pmdocs.com. UQ 33647.
10. Gaisch H W. *Monthly Report. Highlights February 1991*. February 28, 1991. Philip Morris Companies Inc. 2021599247–9259 at 9259. www.pmdocs.com. UQ 33648.
11. *Industry Briefing Sessions for the Media*. Undated. British American Tobacco Company. 300565582–5584. Guildford Document Depository. UQ 33671.
12. *Agenda, Meeting of Social Communicators and the Tobacco Industry*. November 1992est. British American Tobacco Company. 300565668–5671. Guildford Document Depository. UQ 33678.
13. *Media Briefing Seminar*. Undated. British American Tobacco Company. 300565569–5571. Guildford Document Depository. UQ 33672.
14. *Industry Briefing Sessions for the Media*. Undated. British American Tobacco Company. 300565582–5584 at 5582. Guildford Document Depository. UQ 33671.
15. *Industry Briefing Sessions for the Media*. Undated. British American Tobacco Company. 300565582–5584 at 5582. Guildford Document Depository. UQ 33671.
16. *Industry Briefing Sessions for the Media*. Undated. British American Tobacco Company.

300565582–5584 at 5582. Guildford Document Depository. UQ 33671.

17. *Media Seminar. Sri Lanka*. October 1993est. British American Tobacco Company. 300565557–5559 at 5559. Guildford Document Depository. UQ 33673.

18. *Industry Briefing Sessions for the Media*. Undated. British American Tobacco Company. 300565582–5584 at 5584. Guildford Document Depository. UQ 33671.

19. *Reunion Informativa*. 1991. British American Tobacco Company. 300565676. Guildford Document Depository. UQ 33674.

20. *Agenda: "Primer Encuentro de Periodistas Y la Industria Del Tabaco*." June 1991est. British American Tobacco Company. 300565679–5681. Guildford Document Depository. UQ 33675.

21. *Programa General*. April 1992est. British American Tobacco Company. 300565672–5673. Guildford Document Depository. UQ 33676.

22. *Agenda, Guatemala Press Seminar*. March 7, 1991. Philip Morris Companies Inc. 2503001988. www.pmdocs.com. UQ 33649.

23. *Encuentro Informativo/Madrid 1991*. June 10–13, 1991. Philip Morris Companies Inc. 2503001912. www.pmdocs.com. UQ 33650.

24. *BAT Smoking Issues Briefing, Taiwan*. September 6–8, 1992. British American Tobacco Company. 300565674–5675. Guildford Document Depository. UQ 33677.

25. Gonzalez AM. *Journalists Conference*. August 14, 1991. British American Tobacco. 304004027. Guildford Document Depository. UQ 33182.

26. Rupp J. *Meetings in Santiago Relating to the ETS Consultants Program*. November 15, 1992. Philip Morris Companies Inc. 2503011704–1710 at 1704. www.pmdocs.com. UQ 33651.

27. Rupp J. *Possible agenda for journalist's visit in Washington DC.* December 8, 1992. Philip Morris Companies. 2023591328–1329. www.pmdocs.com. UQ 33653.

28. Tollison R. *[Letter to S. Boyse].* July 6, 1993. British American Tobacco Company. 500899023. Guildford Document Depository. UQ 33778.

29. *Agenda, Meeting of Social Communicators and the Tobacco Industry*. November 1992est. British American Tobacco Company. 300565668–5671. Guildford Document Depository. UQ 33678.

30. *Media Seminar, South Africa*. October 1993est. British American Tobacco Company. 300565575–5576. Guildford Document Depository. UQ 33679.

31. *BAT Media Seminar, India*. October 12–13, 1993. British American Tobacco Company. 300565553, Guildford Document Depository. UQ 33680.

32. *BAT Media Seminar, Pakistan*. October 16–17, 1993. British American Tobacco Company. 300565555–5556. Guildford Document Depository. UQ 33681.

33. *BAT Media Seminar, Sri Lanka*. October 19, 1993. British American Tobacco Company. 300565557–5559. Guildford Document Depository. UQ 33673.

34. Philip Morris. *Corporate Affairs Presentation*. April, 1991. Bates Numbers 2500122612–2643 at 2636. www.pmdocs.com. UQ 33583.

35. Interview with Paul Dietrich, May 11, 2000.

36. Interview with Paul Dietrich, May 11, 2000.

37. See e.g., Turner C. *Letter to Paul Dietrich*. July 5, 1991. British American Tobacco Company. 304002487. Guildford Document Depository. UQ 33429.

38. Author Unknown. Untitled. June 1991est. British American Tobacco Company. 304002544. Guildford Document Depository. UQ 33252.

39. Dietrich P. [*Letter to Sharon Boyse, Enclosing Memo of Visit to Thailand and Philippines*.] January 29, 1992. British American Tobacco Company. 300516024–6037. Guildford Document Depository. UQ 33682.

40. Dietrich P. [*Letter to Sharon Boyse, Enclosing Memo of Visit to Thailand and Philippines*.] January 29, 1992. British American Tobacco Company. 300516024–37 at 6026–6028. Guildford Document Depository. UQ 33682.

41. Boyse S. [*Letter to Paul Dietrich*.] August 7, 1991. British American Tobacco Company. 300516113, Guildford Document Depository. UQ 33571.

42. Boyse S. [*Letter to Paul Dietrich*.] September 20, 1991. British American Tobacco Company. 300516054, Guildford Document Depository. UQ 33683.

43. Dietrich P. [*Letter to Aurora Gonzalez of Philip Morris*.] September 6, 1991. British American Tobacco Company. 300516109–6111 at 6111. Guildford Document Depository. UQ 33569.

44. Dietrich P. [*Letter to Sharon Boyse Regarding the Institute for International Health and Development's Work in Placing the Enclosed Article on the World Health Organization in the New York Times*.] January 11, 1993. British American Tobacco Company. 500899113–9114. Guildford Document Depository. UQ 33684.

45. Dietrich P. WHO's Budget "Crisis." *The Wall Street Journal*. May 5, 1988. UQ 33654.

Dietrich P. Hypochondria at the World Health Organization, *The Wall Street Journal*, May 20-21, 1988. UQ 33655.

46. Dietrich P. WHO Spends Money on WHAT? *The Wall Street Journal*, May 9, 1989. UQ 33662.

47. Dietrich P. WHO Spends Money on WHAT? *The Wall Street Journal*, May 9, 1989. UQ 33662.

48. Interview with Paul Dietrich, May 11, 2000.

49. *Boca Raton Action Plan: Status Report for the Period Ending May 31, 1989*. Philip Morris Companies Inc. 2021592752–2764 at 2752. www.pmdocs.com. UQ 32859.

50. *The Boston Globe*, Editorial–World–Health Priorities. May 13, 1989. Philip Morris Companies Inc. 2501204823. www.pmdocs.com. UQ 33660.

Sunbury P A. *Agency Cheating on World Health*. May 21, 1989. Philip Morris Companies Inc. 2501204828. www.pmdocs.com. UQ 33656.

Hemet News. Editorial–Man Earns a Medal. May 22, 1989. Philip Morris Companies Inc. 2501204829. www.pmdocs.com UQ 33657.

Evansville Courier. Editorial, "WHO's on Last. May 27, 1989. Philip Morris Companies Inc. 2501204830. www.pmdocs.com. UQ 33658.

San Antonio Express–News. Editorial, "WHO ruminates as people suffer." May 28, 1989. Philip Morris Companies Inc. 2501204831. www.pmdocs.com. UQ 33659.

51. *WHO Spends Money on What–By Paul Dietrich*. November 22, 1989. Philip Morris Companies Inc. 2501047810–7812 at 7810. www.pmdocs.com. UQ 33663.

52. Dietrich P. WHO's to Blame: Fixing World Health Aid. *The Wall Street Journal*. May 11, 1990. UQ 33666.

53. Mason J. *Letter to the Editor of the Wall Street Journal*. June 13, 1990. UQ 33687.

Mason J. *Letter to the Editor of the Washington Times*. July 13, 1990. UQ 33686.

54. Dietrich P. WHO: Time to Get Back to the Basics. *International Herald Tribune*. May 17, 1991. Philip Morris Companies Inc. 2028399722. www.pmdocs.com. UQ 33664.

55. Boyse S. [*Letter to Paul Dietrich*]. September 20, 1991. British American Tobacco Company. 300516054, Guildford Document Depository. UQ 33683.

56. Dietrich, P. WHO's Bureaucracy Is Its Healthiest Patient. *Wall Street Journal* (US edition). June 1, 1992. UQ 33665.

57. Dietrich P. *WHO's Bureaucracy Is Its Healthiest Patient*. Wall Street Journal. June 1, 1992. UQ 33665.

58. Okoniewski A. *The World Health Organization*. June 1, 1992. Philip Morris Companies Inc. 250104305. www.pmdocs.com. UQ 33661.

59. Dietrich P. [*Letter to Sharon Boyse*.] January 11, 1993. British American Tobacco Company. 500899113–9114 at 9114. Guildford Document Depository. UQ 33684.

60. Interview with Paul Dietrich, May 11, 2000.

61. *Public Issues Meeting, Boca Raton, Florida, November 29–December 3, 1988* [*Agenda*]. Philip Morris Companies Inc. 2024267284–7291 at 7287. www.pmdocs.com. UQ 33554.

62. *International Health and Development*. 1989. Vol. 1. No. 1. March/April, p. 3. UQ 33667.

63. Interview with Paul Dietrich, May 11, 2000.

64. *Philip Morris Mission to Moscow*. June 1973est. Philip Morris Companies Inc. 1000270749–65. www.pmdocs.com. UQ 33685.

65. *Boca Raton Action Plan: Status Report for the Period Ending March 31*. March 31, 1989. Philip Morris Companies Inc. 2021592611–2633 at 2612. www.pmdocs.com. UQ 32847.

66. Raymond S U. *W.H.O in a Changing World.* International Health and Development Magazine. Volume 1. Number 1. March/April, 1989. pp. 8–9. UQ 33667.

67. Freeman O. Reaping the Benefits: Cash Crops in the Development Process. *International Health and Development Magazine*. Volume 1. Number 1. March/April, 1989. pp. 20–23. UQ 33667.

68. Hauser N. [*Letter to AG Leeks.*] April 20, 1983, Philip Morris Companies Inc. 2023273908–3909 at 3908. www.pmdocs.com. UQ 33688.

69. *Boca Raton Action Plan: Status Report for the Period Ending September 30*. September 1989est. Philip Morris Companies Inc. 2501204997–5021 at 4998. www.pmdocs.com. UQ 32861.

70. Ntaba H M. *Letter to the Editor*. International Health and Development Magazine. Volume 1. Number 2. Summer 1989. pp2, 31. UQ 33689.

71. Ntaba H M. *Letter to the Editor*. International Health and Development Magazine. Volume 1. Number 2. Summer 1989, p31. UQ 33689.

72. *Boca Raton Action Plan: Status Report for the Period Ending September 30*. September 1989est. 2501204997–5021 at 4998. www.pmdocs.com. UQ 32861.

73. *International Health and Development Magazine*. 1990. The Ministers of Health Forum. Volume 1. Number 3. Winter. p 4. UQ 33690.

74. *Boca Raton Action Plan: Status Report for the Period Ending March 31, 1989*. March 1989est. Philip Morris Companies Inc. 2021592611–2633 at 2612. www.pmdocs.com. UQ 32847.

75. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285. Guildford Document Depository. UQ 33691.

76. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6235. Guildford Document Depository. UQ 33691.

77. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6235. Guildford Document Depository. UQ 33691.

78. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6239. Guildford Document Depository. UQ 33691.

79. *World Watch: Protecting our Global 'Next Generation'–A Proposed Conference on Children's Health Issues*. October 1989. 300516227–6285 at 6250. BAT Guildford Document Depository. UN 33691.

80. Dietrich P. [*Memorandum to Sharon Boyse*.] December 22, 1992. British American Tobacco Company. 500899119–9120 at 9120. Guildford Document Depository. UQ 33692.

81. Interview with Paul Dietrich, May 11, 2000.

82. Interview with Richard Leclair, May 3, 2000.

83. Dietrich P. *[Letter to Sharon Boyse.]* October 8, 1991. British American Tobacco Company. 300516052–6053. Guildford Document Depository. UQ 32879.

    Dietrich P. [*Memorandum to Sharon Boyse*.] December 22, 1992. British American Tobacco Company. 500899119–9120. Guildford Document Depository. UQ 33692.

84. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

85. Boyse S. [*Letter to Clive Turner of the Asian Tobacco Council*.] July 15, 1991. British American Tobacco Company. 304002481. Guildford Document Depository. UQ 33246.

86. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American

Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

87. Boyse S. [*Letter to Peter Hazel, David Bacon, and JJ Mostyn*.] August 8, 1991. British American Tobacco Company. 304004032. BAT Document Guildford Depository. UQ 33184.

88. Dietrich P. [*Memorandum to Sharon Boyse*.] December 22, 1992. British American Tobacco Company. 500899119–9120. Guildford Document Depository. UQ 33692.

89. Interview with Paul Dietrich, May 11, 2000.

90. Interview with Richard Leclair, May 3, 2000

Interview with Carlyle Macedo, former Regional Director of PAHO, May 15, 2000.

91. Interview with Richard Leclair, May 3, 2000.

92. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

93. Dietrich P. [*Letter to Aurora Gonzalez, cc'ed to Sharon Boyse*.] September 6, 1991. British American Tobacco Company. 300516109–6111 at 6110–6111. Guildford Document Depository. UQ 33569.

94. Interview with Paul Dietrich, May 11, 2000.

95. Interview with Carlyle Macedo, May 15, 2000

96. Interview with Ciro de Quadros, May 11, 2000.

97. Dietrich P. *[Letter to Sharon Boyse, Enclosing Memo of Visit to Thailand and Philippines]*. January 29, 1992. British American Tobacco Company. 300516024–37. Guildford Document Depository. UQ 33682.

Dietrich P. *[Memorandum to Sharon Boyse.]* December 22, 1992. British American Tobacco Company. 500899119–9120. Guildford Document Depository. UQ 33692.

98. Dietrich P. *[Letter to Sharon Boyse.]* October 8, 1991. British American Tobacco Company. 300516052–6053. Guildford Document Depository. UQ 32879.

99. Interview with Paul Dietrich, May 11, 2000.

100. *Robert Tollison/WHO.* April 23, 1993. British American Tobacco Company. 500899073. Guildford Document Depository. UQ 33738.

101. The Tobacco Institute, *1984 Budget*. 1993est. Philip Morris Companies Inc. 2024078717–8721 at 8721. www.pmdocs.com. UQ 33693.

102. Chilcote S. Tobacco Institute. [*Memo to Tobacco Institute Executive Comm. and State Activities Policy Committee*.] March 8, 1984. Philip Morris Companies Inc. 2025863281. www.pmdocs.com. UQ 33694.

103. *Marketing Meeting, 120 Park Avenue. September 19–21, 1984*. September 1984est. Philip Morris Companies Inc. 2026307722–7724 at 7722. www.pmdocs.com. UQ 33377.

104. Interview with Paul Dietrich, May 11, 2000.

105. *Corporate Affairs Conference–Agenda. March 4–7, 1986*. March 1986est. Philip Morris Companies Inc. 2026305621–5622 at 5621. www.pmdocs.com UQ 33695.

106. File folder entitled, "*Consultants: Dietrich Paul*." Undated. Philip Morris Companies Inc. 2500010200. www.pmdocs.com. UQ 33696.

Lambro D. [*Letter to Paul Dietrich*.] June 13, 1985. Philip Morris Companies Inc. 2500010203–0204. www.pmdocs.com. UQ 33697.

National Center on Legislative Research. *The Bias Factor: When Politics Manipulations Public Health Research*. Undated. Philip Morris Companies Inc. 500010221–0277. www.pmdocs.com. UQ 33698.

107. Philip Morris International, Inc. *Corporate Affairs' Presentation*. April 23, 1991. Philip Morris Companies Inc. 2500122612–2643 at 2636. www.pmdocs.com. UQ 33583.

108. Interview with Paul Dietrich, May 11, 2000.

109. Boyse S. [*Letter to Paul Dietrich*.] September 20, 1991. British American Tobacco Company. 300516054. Guildford Document Depository. UQ 33683.

110. Dietrich P. *[Letter to Sharon Boyse.]* October 8, 1991. British American Tobacco Company. 300516052–6053. Guildford Document Depository. UQ 32879.

111. Dietrich P. *[Memorandum to Sharon Boyse.]* December 22, 1992. British American Tobacco Company. 500899119–9120. Guildford Document Depository. UQ 33692.

112. Boyse, S. *McGill Book.* February 19, 1993. British American Tobacco Company. 500899084–9085. Guildford Document Depository. UQ 33699.

113. Whitley C. *Statement of Charles O. Whitley on behalf of the Tobacco Institute before the Subcommittee on Health and the Environment, Committee on Energy and Commerce, US House of Representatives [Draft]*. July 9, 1990. Tobacco Institute TIMN 0032095–0032141 at 2118. Bliley Documents. www.tobaccodocuments.org. UQ 32912.

114. *Robert Tollison/WHO.* April 23, 1993. British American Tobacco Company. 500899073. Guildford Document Depository. UQ 33738.

115. Interview with Paul Dietrich, May 11, 2000.

VII. 8TH WORLD CONFERENCE ON TOBACCO OR HEALTH

A. Introduction

A review of tobacco company documents shows that Philip Morris and British American Tobacco Company (BAT) initiated a wide-ranging campaign to undermine the success of the 8th World Conference on Tobacco OR Health (WCToH). The conference was sponsored in part by WHO and held in Buenos Aires in 1992. Philip Morris and BAT, the two largest private tobacco companies, collaboratively sought to distract attention from the conference and embarrass its participants using an extraordinary range of tactics, some of which might be termed "dirty tricks." These included staging elaborate diversions from the Conference and training journalists both to hound a conference participant and take over a WCToH press conference.

According to BAT documents, a centerpiece of the plan to weaken the 8th WCToH was a media event to be produced with the unwitting help of the Pan American Health Organization (PAHO) to distract attention from the WCToH. The documents suggest that the media event was developed by Paul Dietrich, who had a long term relationship with Philip Morris and BAT and was also a member of a Development Committee of PAHO. (Dietrich disputes that BAT was involved in the media plan, and PAHO disputes that Dietrich was involved.)

Throughout the campaign against the 8th WCToH, tobacco companies concealed their role by using outside scientists and journalists, and perhaps even PAHO, as vehicles of influence.

This case study describes Philip Morris' and BAT's plan to weaken the success of the Conference, identifies those aspects of the initiative that the committee of experts was able to determine were actually carried out, and offers recommendations for preventing industry influence on future World Conferences on Tobacco OR Health.

B. Background

The primary objectives of the World Conferences on Tobacco OR Health include strengthening global tobacco control efforts and reducing tobacco use worldwide. There have been ten World Conferences thus far, all held in different locations and each with a diverse set of specific aims. The American Cancer Society, American Lung Association and American Heart Association initially sponsored the World Conferences. WHO has sponsored all but one World Conference since the Third WCToH held in 1975. WHO has also acted as the Conference Secretariat for many of the World Conferences. Since their inception in 1967, the Conferences have evolved from a medical discussion of the health hazards of smoking and environmental tobacco smoke (ETS) exposure, to an advocacy forum aimed at decreasing global tobacco use. Not only was this shift apparent during the 8th WCToH, but the 8th WCToH was the first to be held in a developing country and to concentrate on the effects of tobacco use in the developing world.

The tobacco industry has historically monitored the Conferences[1] and has previously attempted to influence the nature of the Conferences. A 1986 Philip Morris document reported that Japan Tobacco Incorporated (JTI) attempted to influence the 6th WCToH held in Tokyo in 1987 by employing approximately forty scientists to

attend the conference and present "neutral" papers.

> "Since 300 scientists are expected to attend 40/300 of the papers presented would represent a ventral [neutral] [sic] position of smoking and health thereby exerting influence on the general tone of the conference."[2]

JTI also sought influence over an organizing committee of the 6th World Conference via their Smoking and Research Foundation (SRFS) in an effort to be in a decision making position for abstract submissions.

> "JTI is trying to get the SRFS involved as a member of the administrative committee for this conference. If it were successful, JTI will be able to participate [in] the Academic Committee of the conference. This committee has an advisory role in the conference, and has the role of screening scientific papers for the conference. If the SRFS can send members to the committee, 'neutral' papers could be submitted to the conference."[3]

C. Tobacco Company Strategy to Influence the 8th World Conference on Tobacco OR Health

The tobacco companies' strategy to undermine the 8th WCToH was extraordinarily wide-ranging, and most of its elements were designed to achieve their aims in a devious manner. According to the documents, the strategy had several components designed to distract attention from the WCToH: (1) a multi-pronged media event, just before the WCToH, emphasizing the need for childhood immunizations in Latin America; (2) a major soccer match timed to coincide with Jimmy Carter's arrival at the conference; and (3) a campaign to emphasize the importance of AIDS prevention and treatment in Latin America.

In addition, the industry planned to use journalists to further weaken the 8th WCToH. Plans included training local journalists to: (1) ask embarrassing questions of US Senator Edward Kennedy when he arrived for the conference; and (2) take over the WCToH press conference by dominating it with questions about why tobacco control should be funded when children were dying of preventable diseases. The industry also planned to hold a conference for journalists stressing the economic importance of tobacco, and developed scientific strategies to influence the presentations at the conference and to thwart any smoke-free policies that would result from the 8th WCToH.

1. Media Plan

According to the documents, BAT and Philip Morris worked with a member of the PAHO Development Committee and industry consultant, Paul Dietrich (see Chapter VI), to develop a media program aimed against the 8th WCToH. According to the documents, the program was proposed by Dietrich[4] and was intended to promote the position that health spending in Latin America should not go to tobacco control initiatives, but to other pressing public health issues such as children's immunization programs.[5] A BAT document estimated Dietrich's fees and personal costs associated with his plan were US$67,200, while the total budget was US$232,781.[6] This BAT document[7] is headed with the Paul Dietrich's office address and phone number and contains a proposal and budget for a project to be conducted by Dietrich for a client, apparently BAT. Subsequent letters from BAT to Dietrich discuss this proposal

in detail. The media program, whose planned content altered over time, would consist of some the following elements:

- Interview Program

In "Phase I" of the Dietrich media plan,[8] interviews on the importance of childhood immunization would be filmed with three individuals: Ciro de Quadros, the Director of Immunizations at PAHO, James P. Grant, the Director of United Nations Children's Fund (UNICEF) and scheduled presenter at the 8th WCToH, and, Raul Julia, a Latin American actor involved in children's advocacy. According to a document written by Sharon Boyse, a BAT official:

> "A proposal by Paul Dietrich, an expert on WHO and a member of the development committee of the Pan American Health Organisation, [is] to raise the profile of the question of health priorities in Latin America. This would be based on Paul Dietrich's argument (which has worked with PAHO) that Latin American countries should not be spending money on tobacco programmes when a large proportion of children die from easily preventable diseases, and when there are still major health epidemics to be tackled such as the cholera outbreak. Essentially, this will involve making a TV programme with the head of the children's section at PAHO, Raul Julia, the Latin American actor who has campaigned on behalf of children, and possibly James Grant, the head of UNICEF. This programme would not specifically be linked to tobacco but it would be raised in the context of health priorities. This would then be 'sold' to a number of Latin American TV stations, and similar newspaper articles prepared and 'sold' to national newspapers, a week or two before the conference. This is very timely because the Latin American Ministers of Health are meeting at this time to discuss health priorities."[9]

The videotaped interviews and written articles would then be edited for unwanted content prior to television media presentation. According to the original proposal for the media program:

> "We would provide to each Latin American TV station the following:
>
> "a) a full issue briefing paper on the subject.
>
> "b [sic] an edited version of each interview ready to air with no additional editing required.
>
> "c [sic]a copy of the original interview, in case they would want to customize the interviews for their station. *(We, of course, would edit out anything we did not like from the original interview.)*…"[10] [Emphasis added.]

These interviews were to be funded by PAHO, which, according to the documents, was apparently an unknowing collaborator in the Philip Morris and BAT plan.[11] Sharon Boyse of BAT wrote:

> "Our major advantage here has been our relationship with Paul Dietrich, a member of the development committee of the Pan-American Health Organisation, the regional branch of the WHO. Paul has long been a critic of WHO priorities in developing countries, arguing that they should not be proposing health spending on tobacco when, for example, children are still dying by the thousands from lack of easily obtainable and inexpensive vaccines and other medicines. For this reason, Paul has managed to persuade

PAHO to take tobacco off their list of priorities for this year. *We are therefore proposing a series of competing events, with PAHO sponsorship, on health priorities and in particular children's vaccination.*"[12] [Emphasis added.]

Dietrich's plan also called for misleading journalists with regard to the origin of the interviews and thereby camouflaging the industry's role. The interviews would be offered to "journalist friends" with exclusive rights as long as they agreed to "prominently feature" all three interviews:

> "We will tell them [the media] this is a project of Catholic University's, Institute for International Health and Development. According to the original proposal for the media plan, this will help them to preserve their journalistic 'integrity', so they don't feel they are flacking for multi-national corporations."[13]

The documents show that Dietrich's plan of publicizing interviews with individuals concerned with children's health was initially rejected by the tobacco companies and later transformed again with Dietrich's help into a different media program (see below). Although the videotaped interviews did not materialize, press accounts from the time showed that a similar event did happen. During the 8th WCToH, James Grant, the Director of UNICEF, was reported to be involved in several press conferences, meetings with Argentinean officials, and other activities related to the importance of children's health in Latin American.[14] Grant's appearances on behalf of children's health received more coverage in the Buenos Aires press than the tobacco conference did. The documents do not shed light on whether Dietrich played a role in Grant's appearances. The committee of experts was unable to talk to Grant, who died in 1994.

- Journalist Program

"Phase II" of the Dietrich media program called for journalists to promote an article questioning the 8th WCToH and health spending on tobacco programs a few days prior to the Conference. The original proposal for the program states:

> "1) We draft a sample article questioning the anti-tobacco conference and the funding of anti-tobacco programs, in light of the children that are dying for lack of vaccines and the PAHO program that needs over $50 million dollars more in order to insure children don't die before the age of five, etc, etc…
>
> "2) We try to have one of our Argentinean journalist friends prominently print this article in his or her newspaper a day or two before the conference begins."[15]

In addition, "reliable" journalists would be brought to Argentina to cover the Conference for the sole purpose of "creat[ing] a controversy."

The original proposal states that few days prior to the conference, the journalists would be trained by the tobacco companies to create diversions during press conferences:

> "We must teach them [the journalists] how to be pushy and press the speakers aggressively (speakers will not want to compare spending on tobacco and funds for children. If they don't answer the question, our journalist must aggressively pursue the speaker with follow up questions until he finally addresses the issue --- this will not be easy.) If we are successful in getting the journalists to be aggressive and work as a team, we should be able to dominate the press conference. Even if we only get a few journalists to write about *the controversy we have created*, I think this would be a success. We will also have succeeded in diverting the press conferences with 'our' questions, so they have less time to attack us." [Emphasis added][16]

- Gloria Estefan's "Save the Children" Tour

When the interviews described above were rejected by Philip Morris on the grounds that the interviewees were not sufficiently well known in South America,[17] the documents show that Dietrich offered an alternative. Popular US entertainer Gloria Estefan and Brazilian artist Xuxa would appear on a program to publicly advocate for the importance of "vaccinating children" near the time of the Conference. A letter from Dietrich to Philip Morris and copied to BAT states:

> "…[G]loria Estefan has agreed to appear on our program and to actually host the television special. She will also agree to be interviewed for the newspaper articles and her manager has agreed to allow us to use several songs from her most recent concert tour. We now envision a [sic] one-hour television program hosted by Gloria Estefan. We have tentatively titled the television program "Gloria Estefan's Save the Children." Needless to say, Gloria Estefan is quite famous, not only in the United States but throughout Latin America."[18]

- PAHO Vaccination Teleconference

According to a letter from Dietrich to Philip Morris and copied to BAT, Dietrich discussed with BAT and Philip Morris a lengthy PAHO teleconference throughout Latin America aimed at focusing attention on the urgent need for a children's immunization program. The teleconference would take place eleven days before the World Conference. Dietrich's letter states:

> "… [T]he Pan American Health Organization ("PAHO") will spend $1.5 million on a four-hour teleconference throughout Latin America promoting their new children's vaccination program. This live teleconference will be seen by over 40,000 health care workers in interactive teleconference centres throughout Latin America. The press will be invited in each country and PAHO plans to spend over $150,000 promoting the conference to the press.[19]

Dietrich reported in the same letter that the teleconference and Gloria Estefan's involvement would remedy any concerns the companies may have had regarding the media strategy's success.

> "I believe this should satisfy some of the reservations that were expressed in Argentina. We now have a major media event around which to work. Secondly, we have a major star, who will attract

large audiences. We have also been assured we will get early prime time airing of the television special on March 19th. All of this is perfectly timed for our initiative at the Eighth World Tobacco Conference. For the month leading up to the Tobacco Conference, all of the press will be focused on the major health priority in Latin America, which is to vaccinate all children."[20]

The letter states further that following the PAHO teleconference, Dietrich would speak to the Latin American Ministers of Health to report on its success and to get additional press coverage:

"PAHO has tentatively scheduled me to speak at the meeting of the Ministers of Health in Argentina to report on the success of the vaccine teleconference and the television special…*This will give us another opportunity to hammer home this issue in the press in Argentina right in the middle of the Tobacco Conference.*"[21] [Emphasis added.]

- Use of PAHO's Public Relations Firm

According to the documents, Dietrich used the same public relations firm for his media program as PAHO did for the vaccination teleconference, to place articles on the teleconference in the media. In a document written by Dietrich, he said that the firm gave him "complete editorial freedom" in writing any media articles:

"Casals and Associates have been hired by PAHO to handle all public relations for this teleconference. I have also agreed to hire Casals and Associates to promote our television special as well as to place newspaper articles in selected newspapers in the targeted countries. They have agreed that placing our newspaper articles and clips of the interviews on television news programs will have a first priority in terms of the overall public relations strategy to promote both the PAHO Teleconference and our television program. They understand that I will have 'complete editorial freedom' in writing the final articles which will be placed in the press."[22]

2. Other Public Relations Strategies Aimed Against the 8th WCToH

In addition to the media initiatives that the documents indicate were devised by Dietrich, industry officials proposed several other initiatives to divert attention from the Conference, such as staging a soccer match and launching an AIDS campaign to coincide with the Conference. In addition, a campaign against US Senator Edward Kennedy and plans to "infiltrate" the Conference organizers were discussed. A letter from Sharon Boyse states:

"There were a number of additional local proposals that were discussed, including a proposal to stage an international football [US Soccer] match on a key press conference day to ensure that the major press attention is diverted to what the Argentinian public will consider to be a much more important subject. The formation of a smoker's rights group was discussed, as were various plans to infiltrate the conference organisation and the conference per se."[23]

- Soccer Match

Former US President Jimmy Carter was scheduled to attend the 8th WCToH closing sessions. The staged soccer match was planned to divert attention from former Carter's arrival for the Conference. The match between an American and Spanish

team would be organized to take place as he arrived in Argentina.[24] According to a document that appears to come from an Argentinean tobacco company official:

> "A football match should be organized with a combined American team and the Spanish team. This sporting event is supposed to take place on the day Jimmy Carter arrives in our country, so as to reduce the journalistic coverage of his arrival. The match should be transmitted live on TV and national authorities should be invited."[25]

In fact, Carter's appearance was canceled sometime during the Conference.

- AIDS Campaign

The documents reflect plans to engage AIDS advocacy groups in Argentina to argue that health resources should be spent on AIDS related programs rather than on tobacco. An AIDS campaign would be launched. US basketball star Magic Johnson was to be approached and asked to appear on TV programs and be involved in a press conference. BAT planned to have "Publicity" films on AIDS projected on large screens in different areas in the City (Uptown, Belgrano and Racolata) and to have government officials invited. AIDS foundations were to fund this project.[26] A letter from BAT's subsidiary in Argentina states:

> "Being the disease of the century and a preventive [sic] disease, AIDS should be 'public [enemy] No. 1' because of its terminal consequences at every age. *Facing the [sic] AIDS increasing importance in the world and in Argentina we believe this disease to be the sole matter cable [capable] [sic] of eclipsing the Conference.*"[27] [Emphasis added.]

- Campaign Against a US Senator

US Senator Edward Kennedy was scheduled to attend the Conference. BAT reported that a campaign against Kennedy, outlining scandals associated with him in the US, was planned to lessen his public impact on the Conference. A letter from the BAT subsidiary in Argentina states:

> "Selected reporters will have to question his [Ted Kennedy's] alcoholic dependence and highlight the sexual harassing blamed on him in the USA, thus reducing the importance of his presence at the Conference."[28]

A letter in BAT's files that appears to come from an industry official in Argentina contains a series of additional proposals for undermining the 8th WCToH, including a Congress for local reporters, submission of papers to the Conference, an international congress of tobacco manufacturers, and an event emphasizing the cultural and historical importance of tobacco in Latin America.

- Congress for Argentinean Reporters

A forum for Argentinean reporters was suggested to take place a month before the conference to ensure that local reporters would receive industry messages about the economic importance of tobacco and PAHO priorities.

> "It is proposed to hold a congress for outstanding reporters from the most important mass media and thus keep them informed about the socioeconomic importance of the tobacco growth, the actual scope and effect of the advertising restrictions in other countries, WHO statistics, priorities of the Pan American Health Office, etc. This congress should be held at least a month before the date corresponding to the 8th Conference so

that the representatives of the various mass media may know opinions different from the ones to be spread by such Conference and thus be impartial at the time of publishing its conclusions."[29]

Documents reveal that a "media briefing program" in Latin America was also proposed, in which industry representatives would establish relationships with Latin American journalists so they "may be persuaded to question the necessity for health spending on tobacco in Latin America. Dietrich was scheduled to speak at the media briefing programs. (See Chapter VI.)

- 8th WCToH Abstract Submissions Relating to "Individual Freedoms"

Two or three papers were to be submitted to the 8th WCToH arguing that tobacco control efforts infringed on individual freedoms. Industry representatives assumed that such papers would be rejected. The officials then planned to publicly use this rejection as evidence that individual freedoms were indeed squashed, and also of the bias of the Conference organizers.

> "Here the possibility is to have someone of importance send a report directly questioning the antismoking fight for considering it as an attack to individual liberty; for considering that these groups are prohibitionist, paternalist, retrograde and leading the report should extol the individual's freedom to do or refrain to do something according to his conscience, i.e. develop an eminently liberal thought and should repudiate the groups that seek to decide what the rest of people may or may not do. It is assumed this report will be immediately rejected, and this will provide even more reasons to prove how partial and prejudiced these groups are. If materialized, such rejection will have to be spread and made publicly known."[30]

- International Congress of Tobacco Manufacturers

A Latin American tobacco manufacturer's congress would be held immediately before the Conference. At the congress, agricultural and economic officials and leaders of tobacco growing regions would be invited to hear about the economic importance of tobacco in those regions.[31]

> "It is suggested to hold a meeting of tobacco manufacturers in early March 1992 to be attended by the Tobacco Chambers, the Tobacco Cooperatives and international tobacco institutions from all over the world…[The] meeting would deal with the economic and social importance of tobacco growth for local economies. An attempt will be made to: Invite officials from Agriculture and Economy; governors and union leaders of tobacco-producing provinces to attend this Congress. Have the Congress declared of national or provincial interest, depending on the case. Spread the conclusions arrived at the Congress in all the media."[32]

- Cultural Program

An event or campaign was also proposed emphasizing the cultural and historical importance of tobacco and other products grown in Latin American countries to coincide with the Conference.

> "It is proposed to carry out an event in order to point out the international importance acquired by the original growths of these lands. An attempt will be made to have the participation of official Agriculture, Economy,

Education and Culture entities, both from our country and from all the Latin American countries where these products are grown, the Embassy of Spain and other related associations. This proposal may consist in a certain cultural event or else in a campaign lasting all of the year corresponding to the fifth centennial. The objective must tend to provide a new value to the original American growths (tobacco, corn, cacao, etc) to point out the importance and the development level these products had in the indigenous communities as well as their later popularization and spreading in the whole world. It could be proposed from a painting contest relative to the subject, a contest of journalistic research or of historical research in order to award a prize to the best written work on these growths, which would be published and spread later.

"Title suggested:

"The international importance acquired by the original American growths

"This campaign should be started on October 12, 1991 and be intensified in March, 1992."[33]

3. Scientific Strategies Aimed Against the 8th WCToH

Philip Morris and British American Tobacco developed scientific strategies to thwart any smoke-free policies that would result from the 8th WCToH. Primary strategies involved a scientific consultant program in Latin America and an indoor air quality conference to be held at the time of the Conference.

- Latin American ETS Consultant Program

A Latin American ETS Consultant Program was developed because ETS was thought to be an important issue at the 8th WCToH as it was at the 6th and 7th World Conferences. A letter from Sharon Boyse of BAT states:

> "Since we know that ETS will be a major issue [at the Conference] we have developed a regional ETS consultancy programme so that we now have scientists in key countries who will speak up about ETS."[34]

More specifically, the Consultant Program was created to mitigate possible smoking bans resulting from the Conference. Philip Morris, BAT, and the US law firm of Covington and Burling selected and trained Latin American scientists for this initiative. According to a letter from Sharon Boyse, many of the scientists already possessed public relations skills.

> "The ETS consultants from the consultancy programme…will be used in programmes designed to indicate that smoking restrictions (known to be one of the most likely recommendations of the conference) are unnecessary…The first stage of the ETS consultancy programme has been completed and consultants identified in all target countries except Ecuador. Many consultants are already skilled in media techniques, including one scientist in Venezuela who is a motor racing commentator in his spare time! The consultants will be brought together for an initial training and orientation session in early September, and both BAT and PM supporting companies will have a meeting in Miami on October 21-25 with Covington & Burling to discuss implementation of the programme and activities that the consultants could undertake."[35]

- Indoor Air Quality Seminar

An industry official also proposed to hold an Indoor Air Quality (IAQ) seminar where sick building syndrome and indoor air quality would be discussed.[36] The seminar was developed to divert media attention from the World Conference:

> "The…congress would have to be held almost simultaneously to the 8th Conference so that the spreading of both events meets and overlaps in all the media."[37]

4. Strategies Aimed at Directly Influencing the Content of 8th WCToH

Not only do the documents suggest that the tobacco companies attempted to manipulate the public reporting of the Conference through Dietrich's media program and other independent initiatives, but documents also show that BAT explored plans to influence secretly the scientific debate during the Conference.

- Meeting with Conference Organizers

The industry prepared for the 8th WCToH by meeting with the Conference organizers prior to the Conference. A BAT subsidiary met with the Vice President of the Conference Organizing Committee, Jorge Pilheu. They were told that Pilheu wanted to concentrate on a scientific discussion on tobacco use and disease and engage in less "politicking." The industry responded by planning to recruit scientists who would appear independent from the industry to infiltrate the conference and give speeches at national medical organizations. According to an official from the BAT subsidiary in Argentina, Nobleza-Picardo:

> "This [Pilheu's Conference agenda] provides a unique opportunity that has not existed in previous conferences which is to present top level scientists whose conclusions differ from those generally reached by participants of these meetings. With proper press handling we could, for the first time, create a controversy in areas in which public opinion is under the impression that none exists. This, of course requires that we are able to achieve the participation of top level scientists or academics, doctors, biostatisticians, with sound reputations in the USA or the UK. Furthermore, they would have the chance of making speeches at the National Academy of Medicine and at the Medical Association of Argentina. *The industry, obviously, can not [sic] appear to sponsor the activity nor finance participants trips. That would have to be done through donations to foundations or independent institutions*.
>
> "Before advancing on this subject, we would very much appreciate your opinion as to the possibility of getting relevant scientists from abroad to accept this task. Dr Pilheu thinks that it would be most favourable if they were already known for opinions that differ from those of personalities such as [Sir] Richard Doll or R. [Richard] Peto."[38] [Emphasis added.]

- Industry Monitors

Industry monitors were employed to attend the Conference Committee Organization meetings and to attend the Conference itself.[39] The monitoring teams ranged from Tobacco Documentation Centre[40] (an industry-affiliated resource group that replaced INFOTAB) staff to specialized monitors with medical

backgrounds. A document from an industry official described the monitoring:

> "[One person] will get acquainted with the aspects of the Conference regarding publicity, logistics and diffusion by means of the media. The other person, being a Medical Doctor will be concerned with the scientific aspects of the Conference. The object is to get the necessary information by the time the Conference is taking place and also acknowledge the degree of diffusion they intend to give this Conference."[41]

D. Implemented Strategies aimed at weakening the 8th WCToH.

Although this document review revealed detailed strategies planned by BAT, Philip Morris and their consultants to undermine the 8th WCToH, the documents shed little light on what events actually occurred. The committee of experts interviewed several individuals connected with the case study and reviewed contemporaneous press reports in an attempt to determine the outcome of these plans.

1. Media Plan

Interviews with Paul Dietrich, Ciro de Quadros, the Director of Immunizations at PAHO, and Carlyle Macedo, former Director of PAHO disclosed that some elements of Dietrich's media plan were carried out and others were not. The planned videotaped interviews with de Quadros, James Grant, and Raul Julia did not occur.[42] (As noted earlier, Grant did attend a number of well-publicized press conferences and other events related to child health, during the WCToH.[43]) However, the television program in which Gloria Estefan and other Latin American entertainers promoted childhood immunizations was produced in Miami and televised.[44] According to Dietrich, the Estefan special was televised throughout Latin America in primetime and also aired in the US. He called it a "spectacular success."[45]

When asked whether this was done in direct competition with the 8th WCToH as the documents suggest, Dietrich replied that he did not think that was the case. He also denied that it was part of any strategy aimed at weakening the 8th WCToH.[46]

PAHO officials acknowledged that the PAHO-sponsored television special occurred, but disputed Dietrich's role in it.[47] According to Ciro de Quadros, Dietrich had "absolutely no influence" on the PAHO immunization program.[48]

2. Other Public Relations Strategies Aimed Against the 8th WCToH

The committee of experts could not determine from interviews and a search of local press coverage whether some of the other public relations strategies planned by the industry occurred.

In some cases, however, there was suggestive evidence that the tobacco companies' plans were carried through. There were two events that occurred in Buenos Aires at the time of the Conference that were similar in nature to the strategies proposed by the industry**.** First, although an AIDS awareness campaign of the kind specifically described in the industry documents apparently did not occur, a similar AIDS-related event did occur during the 8th WCToH. The Buenos Aires newspaper, *La Prensa*, reported that the Argentina ministry of Health and Social Action launched a second phase of its National Program against AIDS on the last day of the 8th WCToH. Luc Montagner, one

of the discoverers of HIV, was invited to Argentina to attend the press conference.[49]

Second, while the committee could not determine whether a congress for reporters was held, a press account about WHO Director-General Nakajima's speech, during the last day of the Conference, went on at great length about the economic importance of tobacco, suggesting that some journalists had been primed by the tobacco industry.[50]

The committee of experts did not find evidence of an important soccer match between a Spanish and US team occurring during the Conference. As previously stated, however, Former President Jimmy Carter did not attend the 8th WCToH, as planned. The committee of experts also could not determine whether the industry carried out its plans to (1) hound Senator Edward Kennedy with embarrassing questions; (2) submit abstracts to the conference on individual freedoms; (3) hold a tobacco manufacturers' Congress near the time of the conference; or (4) develop a cultural program emphasizing the historical importance of tobacco in Latin America.

3. Scientific Strategies Aimed Against the 8th WCToH

Documents show that BAT, Philip Morris and outside legal counsel successfully created and maintained the Latin American ETS Consultant Program. The committee of experts was unable to determine whether abstracts were submitted to the Conference by tobacco company scientists. Other tobacco document research has shown that the ETS scientific consultants in Latin America were selected and trained by Covington and Burling in July of 1991.[51] Latin American ETS Consultants were also scheduled to publish articles relating to ETS and Indoor Air Quality in the Argentinean popular press and attend scientific symposia on behalf of the industry in March of 1992.[52]

The committee of experts could not confirm whether the Indoor Air Congress occurred during the time of the Conference.

4. Strategies Aimed at Directly Influencing the Content of 8th WCToH

The documents reviewed do not reveal whether tobacco company-sponsored scientists attended the 8th WCToH. It is clear from the documents, however, that tobacco companies did have professional monitors attend the Conference and generate daily reports.[53]

E. Conclusion

This case study demonstrates the lengths to which leading tobacco manufacturers will go to undermine the success of a World Conference on Tobacco OR Health. Many of the tactics proposed by tobacco companies, such as staging an important soccer match to coincide with the arrival of Jimmy Carter or training journalists to hound Senator Edward Kennedy, had elements of a "dirty tricks" campaign.

However, these tactics, and many others devised by industry representatives in connection with the 8th WCToH also had a more significant purpose: to distract media attention from the Conference and manipulate the media stories that emerged. Echoing the tobacco companies' long-term campaign to discredit WHO's tobacco control program by paying surrogates to champion the "greater" urgency of other health crises (see Chapter VI), here industry representatives attempted to discredit the 8th WCToH by staging events promoting the importance of children's immunization and AIDS. The tobacco companies then

attempted to orchestrate a media response that would unfavorably contrast the need for tobacco control with the need for childhood immunization and AIDS prevention.

The tobacco companies' planned use of the media in this context deserves special mention. In this campaign, journalists were to play a central and, in some cases, a knowing role in the manipulation of public opinion. Not only did industry representatives expect to plant, under the byline of local journalists, articles actually written by the industry, they expected to be able to "train" local journalists to harass a conference participant and disrupt a press conference.

The documents suggest that industry representatives also may have made use of PAHO in its campaign. Under the auspices of Paul Dietrich, the tobacco companies may have been able to guide the development of, and then exploit, a PAHO-sponsored media program, for the purpose of undermining the 8th WCToH, although this is disputed by Dietrich and PAHO officials.

Finally, like so many of the other tobacco company campaigns described in this report, this case study exemplifies the tobacco companies' consistent intent to conceal the their role in carrying out plans to undermine WHO tobacco control initiatives.

F. Recommendations

a) Media Advocacy Training

This case study provides evidence of the tobacco manufacturers' energetic and often unscrupulous use of the media to manipulate press coverage of WHO events around the world. WHO and its Regional Offices should take steps to ensure that WHO events are represented fairly and accurately in the media. This may require additional funding allocated to media training programs.

1. WHO should make strategic public relations efforts an integral part of its tobacco prevention activities. WHO should strengthen the resources available to Regional Offices and Collaborating Centers for public communication and dealing with the media.

b) Disclosure of Support for Submissions to WCToH

In this case study and elsewhere, the tobacco companies have demonstrated that they will attempt to sway the scientific debate at World Conferences by funding the participation of scientists with sympathetic viewpoints, while concealing their sponsorship.

Recommendation:

2. WHO should support the practice of World Conferences on Tobacco OR Health of requiring financial disclosures by those submitting presentations, and should encourage the expansion of these disclosures to identify the underlying sources of any significant funding originating outside the submitter's sponsoring organization.

Notes

1. Verkerk HG. *6th World Conference on Smoking and Health–Tokyo, November 9–12, 1987.* Brown & Williamson Tobacco Company. 640505919–6171. www.bwdocs.aalatg.com. UQ 32850.

INFOTAB. *Report on Fifth World Conference on Smoking and Health.* July 10, 1983. Brown & Williamson Tobacco Company. 521023871–3909. www.bwdocs.aalatg.com. UQ 32842.

Wells T. *ICOSI. ICOSI Task Force–4th World Conference on Smoking and Health*. June 11, 1979. Tobacco Institute. TIMN0162511. www.tobaccoinstitute.com. UQ 32893.

Zahn L. *3rd World Conference on Smoking and Health New York City 750602–75605.* June 9, 1975. Philip Morris Companies Inc. 2026250582–0588. www.pmdocs.com. UQ 33736.

Second World Conference on Smoking and Health (710920–710924) Report. September 20, 1971. Philip Morris Companies Inc. 1005111826–1843. www.pmdocs.com. UQ 33737.

2. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654120–4123 at 4121. Minnesota Document Depository. UQ 66.

3. Egawa E. April 25, 1986. Philip Morris Companies Inc. 2021654120–4123 at 4120. Minnesota Document Depository. UQ 66.

4. Grant EG. September 2, 1991. British American Tobacco Company. 304003991–3992. Guildford Document Depository. UQ 33176.

5. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

   Boyse S. *Visit to Argentina, 29–30 July 1991 and Update on Activities in South America.* August 8, 1991. British American Tobacco Company. 304004032–4034 at 4032. Guildford Document Depository. UQ 33184.

6. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4353. Guildford Document Depository. UQ 33338.

7. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4353. Guildford Document Depository. UQ 33338.

8. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4351. Guildford Document Depository. UQ 33338.

9. Boyse S. *Visit to Argentina, 29–30 July 1991 and Update on Activities in South America.* August 8, 1991. British American Tobacco Company. 304004032–4034. Guildford Document Depository. UQ 33184.

10. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4351. Guildford Document Depository. UQ 33338.

11. Hazel PJC. August 20, 1991. British American Tobacco Company. 304004009. Guildford Document Depository. UQ 33179.

    Dietrich P. September 6, 1991. British American Tobacco. 300516109–6111 at 6110. Guildford Document Depository. UQ 33569.

12. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

13. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4352. Guildford Document Depository. UQ 33338.

14. Llega el director del UNICEF, James Grant. *La Prensa.* March 30, 1992: 5.

    Piden informes por una compra solicitada a UNICEF. *La Prensa*. April 1, 1992: 7.

    UNICEF le habla a los pediatrias. *La Prensa.* April 3, 1992: 10.

15. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4352. Guildford Document Depository. UQ 33338.

16. *Agenda*. July 10, 1991. British American Tobacco Company. 300504351–4353 at 4352. Guildford Document Depository. UQ 33338.

17. Grant EG. September 2, 1991. British American Tobacco Company. 304003991–3992 at 3991. Guildford Document Depository. UQ 33176.

18. Dietrich P. September 6, 1991. British American Tobacco Company. 300516109–6111 at 6109. Guildford Document Depository. UQ 33569.

19. Dietrich P. September 6, 1991. British American Tobacco Company. 300516109–6111 at 6110. Guildford Document Depository. UQ 33569.

20. Dietrich P. September 6, 1991. British American Tobacco Company. 300516109–6111 at 6111. Guildford Document Depository. UQ 33569.

21. Dietrich P. September 6, 1991. British American Tobacco Company. 300516109–6111 at 6111. Guildford Document Depository. UQ 33569.

22. Dietrich P. September 6, 1991. British American Tobacco Company. 300516109–6111 at 6110. Guildford Document Depository. UQ 33569.

23. Boyse S. *Visit to Argentina, 29–30 July 1991 and Update on Activities in South America.* August 8, 1991. British American Tobacco Company. 304004032–4034. Guildford Document Depository. UQ 33184.

24. Boyse S. *Visit to Argentina, 29–30 July 1991 and Update on Activities in South America*. August 8, 1991. British American Tobacco Company. 304004032–4034. Guildford Document Depository. UQ 33184.

8th International Conference on Tobacco and Health. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4157. Guildford Document Depository. UQ 33326.

25. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4157. Guildford Document Depository. UQ 33326.

26. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4156. Guildford Document Depository. UQ 33326.

Dastugue JB. *8th World Conference on Tobacco or Health*. January 13, 1992. British American Tobacco Company. 300504295–4298 at 4298. Guildford Document Depository. UQ 33336.

27. Dastugue JB. *8th World Conference on Tobacco or Health*. January 13, 1992. British American Tobacco Company. 300504295–4298 at 4297. Guildford Document Depository. UQ 33336.

28. Dastugue JB. *8th World Conference on Tobacco or Health*. January 13, 1992. British American Tobacco Company. 300504295–4298 at 4296. Guildford Document Depository. UQ 33336.

29. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4155. Guildford Document Depository. UQ 33326.

30. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4156. Guildford Document Depository. UQ 33326.

31. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4135. Guildford Document Depository. UQ 33326.

32. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4135. Guildford Document Depository. UQ 33326.

33. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4153. Guildford Document Depository. UQ 33326.

34. Boyse S. *8th World Conference on Tobacco and Health.* August 28, 1991. British American Tobacco Company. 202019292–9293 at 9292. Guildford Document Depository. UQ 33262.

35. Boyse S. *Visit to Argentina, 29–30 July 1991 and Update on Activities in South America*. August 8, 1991. British American Tobacco Company. 304004032–34. Guildford Document Depository. UQ 33184.

36. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4154. Guildford Document Depository. UQ 33326

37. *8th International Conference on Tobacco and Health*. *Proposed possible action to take against it.* Undated. British American Tobacco Company. 300504152–4157 at 4154. Guildford Document Depository. UQ 33326.

38. Dastugue JB. 8*th World Conference on Smoking & Health.* June 14, 1991. British American Tobacco Company. 304004077–4078 at 4077. Guildford Document Depository. UQ 33187.

39. Dastugue JB. *8th World Conference on Tobacco or Health*. January 13, 1992. British American

Tobacco Company. 300504295–4298 at 4296. Guildford Document Depository. UQ 33336.

40. TDC. *From the 8th World Conference on Tobacco or Health–Report No. 1.* March 29, 1992. Philip Morris Companies Inc. 2503002532–2533. www.pmdocs.com. UQ 33593.

TDC. *8th WCTH–Argentina, Tuesday March31st 1992–Report #3.* March 31, 1992. R.J. Reynolds Tobacco Company. 512722156–2159. www.rjrtdocs.com. UQ 33594.

TDC. *8th WCTH–Argentina, Wednesday April 1st, 1992–Report #4, Part 1.* April 1, 1992. R.J. Reynolds Tobacco Company. 515722160–2166. www.rjrtdocs.com. UQ 33596.

TDC. *8th WCTH–Argentina, Wednesday April 1st, 1992–Report #4, Part 2.* April 1, 1992. Philip Morris Companies Inc. 2503002435–2437. www.pmdocs.com. UQ 33597.

TDC. *8th WCTH–Argentina, Tuesday April 2nd, 1992–Report #5, Part 2.* April 1, 1992. Philip Morris Companies Inc. 2503002476–2478. www.pmdocs.com. UQ 33598.

TDC. *8th WCTH–Argentina, Friday April 3rd, 1992–Report # 6, Part 1* AND *Part 2.* April 3, 1992. Philip Morris Companies Inc. 2503002422–2430. www.pmdocs.com. UQ 33599.

41. Dastugue JB. *8th World Conference on Tobacco or Health*. January 13, 1992. British American Tobacco Company. 300504295–4298 at 4296. Guildford Document Depository. UQ 33336.

42. Interview with Paul Dietrich, May 5, 2000.

43. Llega el director del UNICEF, James Grant. *La Prensa.* March 30, 1992: 5.

Piden informes por una compra solicitada a UNICEF. *La Prensa*. April 1, 1992: 7.

UNICEF le habla a los pediatrias. *La Prensa.* April 3, 1992: 10.

44. Interview with Carlyle Macedo, May 15, 2000.

45. Interview with Paul Dietrich, May 11, 2000.

46. Interview with Paul Dietrich, May 11, 2000.

47. Interview with Carlyle Macedo, May 15 2000

48. Interview with Ciro de Quadros, May 11, 2000.

49. Se Realizo el lanzamiento del programa 'El SIDA esta aqui.' *La Prensa*. April 3, 1992:7.

El Dr. Luc Montagner visito el Muniz*. La Prensa.* April 4, 1992: 7.

50. Por causa del.tabaquismo mueren cada ano 3 millones de personas. *La Prensa*. April 3, 1992:10.

51. Muggli ME, Forster JL, Hurt RD, Repace JL. The Smoke You Don't See: Uncovering Tobacco Industry Scientific Strategies Aimed Against Environmental Tobacco Smoke. Unpublished. Submitted to the *American Journal of Public Health*, April 2000.

52. Muggli ME, Forster JL, Hurt RD, Repace JL. The Smoke You Don't See: Uncovering Tobacco Industry Scientific Strategies Aimed Against Environmental Tobacco Smoke. Unpublished. Submitted to the *American Journal of Public Health*, April 2000.

53. TDC. *8th WCTH–Argentina, Tuesday March31st 1992–Report #3.* March 31, 1992. R.J. Reynolds Tobacco Company. 512722156–2159. www.rjrtdocs.com. UQ 33594.

TDC. *8th WCTH–Argentina, Tuesday March31st 1992–Report #3.* March 31, 1992. R.J. Reynolds Tobacco Company. 512722156–2159. www.rjrtdocs.com. UQ 33594.

TDC. *8th WCTH–Argentina, Wednesday April 1st, 1992–Report #4, Part 1.* April 1, 1992. R.J. Reynolds Tobacco Company. 515722160–2166. www.rjrtdocs.com. UQ 33596.

TDC. *8th WCTH–Argentina, Wednesday April 1st, 1992–Report #4, Part 2.* April 1, 1992. Philip Morris Companies Inc. 2503002435–2437. www.pmdocs.com. UQ 33597.

TDC. *8th WCTH–Argentina, Tuesday April 2nd, 1992–Report #5, Part 2.* April 1, 1992. Philip Morris Companies Inc. 2503002476–2478. www.pmdocs.com. UQ 33598.

TDC. *8th WCTH–Argentina, Friday April 3rd, 1992–Report # 6, Part 1* AND *Part 2.* April 3, 1992. Philip Morris Companies Inc. 2503002422–2430. www.pmdocs.com. UQ 33599.

VIII. UNITED NATIONS STANDARD-SETTING FOR EBDC PESTICIDES

A. Introduction

The ethylene bisdithiocarbamate (EBDC) pesticides protect tobacco and other crops from fungi and molds. In the 1980s, evidence began to mount that the common breakdown product of these chemicals, known as ethylene thiourea (ETU), can cause cancer. In September 1989, US manufacturers of EBDCs cancelled many uses for the fungicides – including use on tobacco crops. Soon after the US Environmental Protection Agency (EPA) published its conclusion that ETU is a "probable human carcinogen," tobacco company officials at the Cooperation Centre for Scientific Research Relative to Tobacco (CORESTA) embarked on a campaign to ensure continued availability of the EBDCs.

CORESTA aimed to win a favorable review for the chemicals from the Joint Meeting on Pesticide Residues (JMPR), co-sponsored by the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) of the United Nations (UN). CORESTA hired Gaston Vettorazzi, former Executive and Technical Secretary of JMPR, to review the safety of the EBDCs, pass his reviews on to WHO, and then work at WHO reviewing pesticides. Without revealing his relationship to tobacco companies, Vettorazzi also attended and contributed to the 1993 regulatory meeting of JMPR. Although the committee of experts was unable to determine the impact of Vettorazzi's contribution to the standard setting process, JMPR reached different conclusions about toxicology data on the EBDCs from EPA and set a safety standard that has since become part of international trade law. CORESTA officials hailed JMPR's verdict as welcome news for tobacco companies.

According to the documents, CORESTA paid over US$150,000 to Vettorazzi from 1990 to 1993 for this work, which included writing a scientific paper later published without reference to the tobacco companies' funding.

The committee of experts has reviewed more than 200 documents related to tobacco companies' efforts on the EBDCs and has interviewed key participants, including current WHO pesticide chief John Herrman and Vettorazzi himself.

The tobacco companies' role in UN standard setting on the EBDC pesticides deserves scrutiny for several reasons. First, although not a direct attack on WHO's tobacco control program, it illustrates tobacco companies' intention to influence any UN processes related to tobacco and health. The companies identified a threat to their future in pesticide regulation and quickly developed a strategy to protect their interests.

Second, the case study demonstrates the ability of tobacco companies to fund a consultant within a UN standard-setting activity, all the while concealing the manufacturers' role. When first contacted by the committee of experts, WHO pesticide chief John Herrman responded, "Since the late 1980s I do not recall any occasions on which we have interacted with the tobacco industry."[1] Herrman was "astonished" to find out that, in fact, he had been interacting regularly with a tobacco-funded consultant throughout much of the 1990s.

Third, Vettorazzi's return to WHO to assist an overworked Secretariat on pesticides highlights the role of financial stress in creating opportunities for tobacco companies.

Fourth, the companies' efforts to ensure a favorable publication in the scientific literature on the EBDCs constitute an attempt to manipulate the scientific process through consultants who do not disclose their source of funding.

Fifth, the story raises the issue of whether a tobacco consultant's contribution to the UN's decision about a widely used group of pesticides led to an inappropriate conclusion about their safety. If true, such a scenario would have ramifications far beyond tobacco, because JMPR's favorable review of the EBDCs directly supported their continued use on many food crops.

The committee of experts questions whether Vettorazzi's review of the EBDCs was scientifically valid. Moreover, the JMPR report fails to address some of the same evidence about ETU's carcinogenicity that was omitted from the Vettorazzi report. The committee of experts concludes that an independent review of JMPR's decisions on the EBDCs is necessary.

The committee of experts also recommends a series of steps to prevent future infiltration of a UN standard setting process by a tobacco consultant.

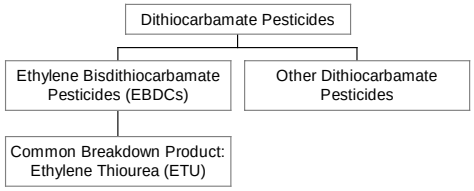
B. Tobacco Companies' Influence on UN Standard-Setting for EBDC Pesticides

1. Background

a) The EBDC Fungicides

Since their development in the 1930s and 1940s, chemicals in the dithiocarbamate family have found a wide range of uses. Doctors have prescribed disulfiram, a dithiocarbamate, for the treatment of chronic alcoholism; the rubber industry has incorporated the chemicals into its production process; and growers have sprayed millions of kilograms of dithiocarbamates as insecticides, herbicides and fungicides.[2]

Figure VIII-1: Dithiocarbamate Pesticides, EBDCs and ETU



As a sub-group of the dithiocarbamates, the ethylene bisdithiocarbamates, or EBDCs, are particularly active against molds and fungi. These chemicals – known by the names mancozeb, maneb, metiram, nabam and zineb – are used as fungicides on a variety of agricultural crops, including fruits, vegetables and tobacco plants. All share a common breakdown product, called ethylene thiourea or ETU. (Figure VIII-1.) A 1988 report from the International Programme on Chemical Safety explained, "During storage, processing and cooking, the amount of the parent compound decreases while that of ETU increases."[3] In the 1980s, evidence began to mount that ETU can cause cancer.

Early studies from the 1960s and 1970s had suggested that ETU might cause thyroid tumors in rats and hamsters and liver tumors in mice.[4] In 1974, and again in 1987, the International Agency for Research on Cancer (IARC) classified ETU as a Class 2b carcinogen. This determination signified adequate evidence for carcinogenicity in experimental animals, but inadequate evidence for carcinogenicity in humans. In the mid-1980s, the US National Toxicology Program (NTP) began an extensive

evaluation of the long-term carcinogenicity of ETU in animals. After two years, the research showed that ETU exposure significantly increased liver and pituitary tumors in mice, mononuclear cell leukemia and Zymbal gland tumors in rats, and thyroid tumors in both species.[5]

In the United States, the EPA opened a special review of the safety of ETU in 1987.[6] On December 20, 1989, the agency published its conclusion that ETU is a "probable human carcinogen."[7] Underlying this conclusion were two key findings.

First, the EPA concluded that ETU was genotoxic – that is, it damaged genetic material in such a way that could contribute to cancer formation. Second, the EPA could not identify a "threshold" level of ETU below which exposure would not cause cancer. (See Box VIII-1.)

On September 6, 1989, in anticipation of the EPA's regulation, the four major manufacturers of EBDC pesticides in the United States (Rohm and Haas, duPont, Pennwalt and BASF) withdrew 42 of 55 uses of the chemicals for food crops voluntarily.[8] At the same time, the manufacturers cancelled EBDC uses for tobacco.[9]

b) The Creation of the Agrochemicals Advisory Committee

A tobacco industry research organization, CORESTA is composed of representatives from the world's major tobacco companies. In early October 1989, less than a month after manufacturers withdrew most registrations for the EBDC fungicides in the United States, CORESTA members met in Cesme, Turkey.

Box VIII-1: EPA's Key Findings

Tobacco company officials later surreptitiously lobbied WHO to contradict two principal conclusions of EPA.

- ETU Is Genotoxic

EPA first concluded that ETU damages genetic material directly:

> "The body of evidence for ETU and EBDC suggest that they are capable of inducing a variety of genotoxic endpoints. These include responses in gene mutation assays, structural chromosomal assays, and other genotoxic effects."*

In addition, EPA found that ETU can combine with chemicals called nitrites in the acid environment of the human stomach to form an even more carcinogenic compound, nitrosated ETU:

> "Nitrosated ETU and ETU in combination with sodium nitrite have been demonstrated to induce potent genotoxic effects in gene mutation assays and in vivo micronucleus and chromosomal aberration assays. Therefore, this aspect of ETU genotoxicity should be a concern if humans are exposed to ETU above certain amounts."*

- There Is No Threshold for ETU's Cancer-Causing Effects

While some scientists believe that a threshold might exist for ETU-caused thyroid tumors, EPA noted that ETU also produces liver tumors in mice for which no threshold can be established. The Agency explained:

> "Definitive evidence has not been presented on the mechanism by which ETU causes mouse liver tumors. In the absence of such evidence, the Agency believes it is prudent to assume that mouse liver tumors observed following exposure to ETU lack a threshold for this phenomenon."**

*U.S. Environmental Protection Agency. Ethylene Bisdithiocarbamates; Notice of Preliminary Determination to Cancel Certain Registrations, Notice of Availability of Technical Support Document and Draft Notice of Intent to Cancel. *Federal Register* 1989;54: 52158, 13*, 31**.

On the agenda was pesticide regulation. D. Stephen Saunders of the Scientific Affairs Division of the R.J. Reynolds Tobacco Company gave a long presentation addressing the "increasing attention that national regulatory agencies are focusing on the issue of pesticides on tobacco."[10]

Dale A. Hill of Philip Morris also emphasized how much was at stake for the industry in matters of pesticide regulation. He stated:

> "The international trade of tobacco from manufactured leaf to finished products probably involves more movement in and among countries than any other agricultural commodity. It is obvious that this type of trade is only possible if the purchase of tobacco and the marketing of finished products are relatively free of restrictions by any country involved in this extensive international enterprise."[11]

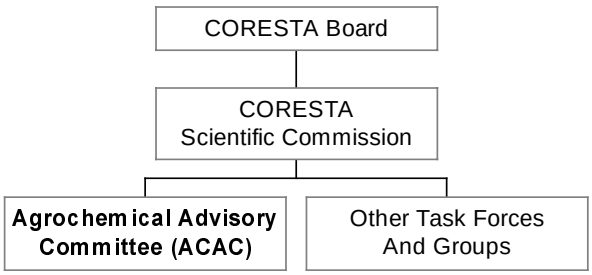
Hill proposed that CORESTA establish an advisory group on agrochemicals with goals to include (1) organizing "groups of scientists and professionals to review and provide industry input to government agencies," and (2) determining "what proactive measures could be taken by CORESTA to make a more positive image for the industry in regards to pesticide use."[12]

On October 7, 1989, the Scientific Commission of CORESTA created the Agrochemicals Advisory Committee (ACAC), with representatives from Philip Morris Companies Inc., R.J. Reynolds Tobacco Company, Rothmans International and Brown & Williamson Tobacco.[13] Within CORESTA's organization structure, ACAC would report to the Scientific Commission, which would in turn report to the Board. (Figure VIII-2.)

From its inception, CORESTA leaders intended ACAC to address the implications of EPA's strict regulation of EBDC fungicides. On October 27, 1989, Andres Beuchat, the President of CORESTA's Scientific Commission, reported to the Board that since the formation of ACAC, "the situation has grown worse." He continued:

> "American manufacturers of pesticides have just withdrawn their registration for dithiocarbamates: the strict enforcement of all legislations would now seriously hinder the international tobacco trade."[14]

Figure VIII-2: CORESTA Board, Scientific Commission and Agrochemical Advisory Committee (ACAC)



c) Targeting the EBDCs

At its first meeting in November 1989 in Aylesbury, United Kingdom, ACAC made plans for an active role in pesticide issues. According to the minutes from the meeting, under the heading of "Immediate Action," ACAC aimed to "create awareness of role of CORESTA in agro-chemical issues with the aim of obtaining direct involvement in the formulation of tolerance limits [permitted pesticide residue levels], etc."[15]

The group quickly focused on the controversy surrounding EBDC fungicides. At Aylesbury, ACAC members pledged the "immediate notification of EBDC reports to all members and their representatives," planned a "liaison with manufacturers of EBDC fungicides" and prepared to "closely monitor current EPA review…and developments in EEC…and elsewhere."[16]

In a progress report to the CORESTA Scientific Commission in the spring of 1990, ACAC discussed the importance of the EBDCs to "the production of leaf." EBDC pesticides, the report explained, "are registered for use on tobacco as fungicides in practically every country where tobacco is grown" and "account for about 7% of the fungicide used on the crop."[17] The ACAC report noted that EBDCs complement the use of metalaxyl (a non-EBDC fungicide) in fighting blue mold infection of tobacco crops. The report warned:

> "Resistance to metalaxyl, the most successful fungicide for controlling this disease, has been reported in Central America…. The possible demise of the EBDC group therefore seriously increases the vulnerability of leaf production in countries where blue mould is a pest."[18]

"These products," explained Andres Beuchat of the CORESTA Scientific Commission, "have no substitutes for the curing of some diseases."[19] Indeed, past blue mold epidemics have wiped out three-quarters of European tobacco crops.[20]

As ACAC prepared to understand the EBDC crisis, the group also took steps to respond. In the minutes of the Aylesbury meeting, in November 1989, under the goal of "obtaining direct involvement in the formulation of tolerance limits etc" is a parenthetical note:

> "(Possible appointment of Consultant – European members to interview and decide.)"[21] [Emphasis in original.]

2. Gaston Vettorazzi

a) The Consultant

At subsequent meetings, ACAC discussed the consultant, Gaston Vettorazzi, and his duties in greater detail.

Vettorazzi had left WHO in 1988, where he had worked as Executive and Technical Secretary of the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) and the Joint FAO/WHO Expert Committee on Food Additives since 1972. From 1980 to 1988, Vettorazzi had also been the senior toxicologist with the WHO/UNEP/ILO International Programme on Chemical Safety.[22]

Since leaving WHO, Vettorazzi had settled in San Sebastian, Spain, and had established the nonprofit International Toxicology Information Centre (ITIC) to gather international data on pesticide safety and make it available to the "working level" of pesticide manufacturers, users and

consumers. Vettorazzi explained in an interview:

> "I retire[d] from WHO in February 1988. When I retire[d], because there is a compulsory 60 [retirement age] there, I …set up an organization which is called the International Toxicology Information Centre… The main scope of the center was to transfer information that was developed internationally to the working level."[23]

"However," he continued, "there was the problem of how to finance the staff." His solution was to "set up Vettorazzi Associates as a selective consulting undertaking" with "40% of the income from Vettorazzi Associates passed over to the nonprofit ITIC." According to Vettorazzi, the dual arrangement served the purpose of protecting ITIC from corporate influence: Vettorazzi Associates interacted with multinational clients, while passing funding to ITIC. He explained:

> "So I said I will [myself] screen…the money… the transferring of international data should be completely unbiased."[24]

b) The Consultancy

One of Vettorazzi's first clients was CORESTA, and his first task for the tobacco council was to address the EBDC situation. At its February 1990 meeting, ACAC made initial plans to contact Vettorazzi (referred to as "VA" for "Vettorazzi Associates") and define a project. The draft minutes report:

> "VA to be advised of our interest and requested to meet CORESTA representatives, including President of SC [Scientific Commission] and Secretary General of CORESTA in Bergerac on 9 April, 1990 with proposals on how they will serve us on current status of pesticide residues and tolerances, pending legislation, advice on *influencing legislation* and advance information on developments in toxicology."[25] [Emphasis added.]

As planned, when ACAC met in Bergerac, France in April 1990, Vettorazzi arrived to explain the nature of his expertise. According to the minutes:

> "Dr. G. Vettorazzi presented, in general terms, the service he could provide to CORESTA
>
> "-- in obtaining information on current and pending legislation regarding tobacco agro-chemicals, particularly in the EEC, and on developments in FAO and WHO in this field;
>
> "--in advising CORESTA on its role in its capacity as a source of scientific data and information, when legislation, rules or policies on tobacco agro-chemical issues are being formulated.
>
> "-- in providing an early warning service on toxicological issues."[26]

CORESTA members were "satisfied with Dr. Vettorazzi's credentials and his ability to carry out a meaningful service to CORESTA" and "it was agreed to recommend to the Scientific Commission that Vettorazzi should be employed by CORESTA to specifically deal with the EBDC/ETU issue in the first instance."[27]

ACAC asked Vettorazzi to summarize and evaluate international data on the safety of the EBDC fungicides. ACAC head Henri Papenfus of Rothmans International wrote to the prospective consultant on April 20, 1990:

> "Following your presentation, the group determined to recommend to CORESTA

Scientific Commission that you be engaged on a consulting basis with the initial specific project being an evaluation of the existing global scientific literature on the Ethylene bisdithiocarbamates (EBDC). We recognize that there are differing interpretations of the data and it is the desire of this group to have an independent evaluation of this fungicide."[28]

One month later, on May 21, 1990, Vettorazzi replied, "Our reaction to the project is definitely positive." His consultancy firm would "collect and collate the existing major data reviews on EBDC and ETU covering the period of the last ten years." But he would do so with an eye towards future WHO policy on the EBDCs. Significantly, he expressed concern that the NTP long-term carcinogenicity study – which had determined ETU to cause multiple types of cancer – might sway WHO into adopting a strict standard. He wrote to Papenfus:

> "I was informed that ETU and EBDC are scheduled for re-evaluation by the Joint FAO/WHO Meeting on Pesticide Residues in 1991 or 1992. The recently published NTP bioassay is not very promising. *I think we should act promptly before the JMPR will reach its decisions.*"[29] [Emphasis added.]

c) Initially Limiting Vettorazzi's Role

In June 1990, the CORESTA Board met in Paris, France, and reviewed the plans ACAC had made to hire Vettorazzi. According to the meeting's minutes, Board members became concerned that ACAC had gone too far. "Whereas the creation of ACAC and its part of collecting information on Agro-chemicals are unanimously approved," the Board decided, "strong reservations are expressed with regard to its possible part as a body for liaison or negotiations with regulatory authorities or other bodies." The Board was particularly concerned that Vettorazzi might try to actively lobby for tobacco internationally:

> "The proposition from VETTORAZZI ASSOCIATES is only approved for what concerns gathering of information. Whatever form of representation of CORESTA or Industry interests by VETTORAZZI ASSOCIATES appears to the Board to be inopportune or at least premature."

With its decision to limit ACAC's activities, the CORESTA Board realized, "more than one ACAC member is going to be disappointed."[30]

The task of informing Vettorazzi of the CORESTA Board's decision fell to Andres Beuchat, President of the Scientific Commission. In a long letter dated June 20, 1990, Beuchat began by reassuring the prospective consultant that CORESTA's long-term objective was to influence international regulations. He explained that CORESTA was divided between those who believed "do nothing as the EBDC problem for food is much bigger than the one with tobacco and therefore saves us from bad surprises" and those who preferred to "be as active as possible and try to influence issues otherwise you are going to suffer wrong decisions and 'faits accomplis'… I am glad to say that the second school, of which I have always been a convinced supporter, showed a comfortable majority."

However, Beuchat wrote, there were dangers inherent to doing too much too quickly. Should Vettorazzi determine that the EBDCs are unsafe, the industry could be

harmed. He related the CORESTA Board's perspective that:

> "The big fear is that we might come to the position that we will make the rope to hang ourselves as much of the information put together could be used against the profession by malevolent and hostile individuals. . .The result of a very long debate was that it was agreed upon to proceed step by step."[31]

Vettorazzi replied the next week. In a letter to Beuchat, dated June 28, 1990, he reaffirmed "the willingness of Vettorazzi Associates to assist CORESTA in its attempts…to develop a proposed review on EBDC pesticides." But he explained that the tobacco companies had no reason to fear. Vettorazzi Associates would produce a review appropriate for a battle against those who would try to outlaw EBDC fungicides. He wrote:

> "…permit me to comment on the aspect 'of the big fear that such a review could be used against the profession by malevolent and hostile individuals' expressed in your letter. My comment (and advise) is as follows: '*If you give up before the battle how can you expect to win the war?*' To think that a review of this kind will turn against the profession of tobacco manufacturers is just preposterous."[32] [Emphasis added.]

3. The Vettorazzi Reports

a) The ITIC Reviews

By the end of September 1990, a contract for US$70,000 between Vettorazzi Associates and CORESTA had been signed "for gathering of data on EBDC pesticides."[33] CORESTA was seeking from Vettorazzi a confidential expert opinion about the safety of these chemicals.

Vettorazzi called his safety reviews "ITIC Reviews" (after his nonprofit International Toxicology Information Centre) and explained to CORESTA that such documents consist

> "in the preparation of complete collections and meaningful clarifications of international product safety data that can be easily carried around and accessed when and where they are needed. . ."[34]

In an interview, Vettorazzi further clarified that:

> "Now those reviews were compilations of whatever was said on a particular compound on the different international groups… All this information …[was] put together, assembled together meaningfully, however, objectively. Many people found those reviews extremely important and interesting, you see. But the content of those monographs that contained all those reviews …[was] only the transfer of information, nothing else. There was no input from the ITIC."[35]

Between September 1990 and February 1991, Vettorazzi Associates drafted reviews on the EBDC fungicides mancozeb, maneb, nabam, and zineb as well as on ETU itself.[36] Vettorazzi accepted "comments, corrections and suggestions from members of the CORESTA revision committee."[37]

At a May 6, 1991 meeting in Neuchatel, Switzerland, ACAC also decided to ask Vettorazzi to include in his ETU report data on ETU's carcinogenicity from the National Toxicology Program study as well as other more recent sources.[38] On May 29, 1991, Vettorazzi wrote to Helmut Reif of Philip Morris that such new data are not

"internationally validated" and do not belong in an ITIC review:

> "The reason why 'new data' on a reviewed compound are not included in the ITIC Reviews is based on the fact that the ITIC Reviews reflect only and uniquely the 'Current International Safety Status' of the chemical in question. The ITIC policy strong supports the viewpoint that international chemical safety evaluations are based on data that has been 'validated' by internationally-reputed chemical safety assessment expert groups. Consequently, 'new data' on a compound that have already been internationally evaluated may exist, but until their quality is 'internationally validated' these data should not be internationally acknowledged and, consequently, should not, in principle, play any international role in international regulatory chemical safety decisions."[39]

By the summer of 1991, at the urging of tobacco company scientists at CORESTA, Vettorazzi did draft a "special annex" to his ITIC Review of ETU that mentioned the National Toxicology Program study and other recent reports.[40]

This annex was also edited by tobacco company scientists.[41] Interestingly, these scientists criticized Vettorazzi's first draft for not satisfactorily countering the National Toxicology Program study findings on ETU's carcinogenicity. Philip Morris official Reif wrote Vettorazzi on November 3, 1991, that "the statement of ETU not being a carcinogenic agent is too strong in the light of the NTP feeding studies" and "in the Vettorazzi assessment, at least one para should be devoted to a balanced discussion of liver hepatomas."[42] A revised draft included these issues.[43]

In an interview, Vettorazzi insisted that he approved all changes to his reviews that had been suggested by tobacco company scientists. In written correspondence to the committee of experts on May 3, 2000, Vettorazzi stated that he had formed his opinions on ETU prior to his consultation for CORESTA, and so should not be accused of changing his mind for his client.[44]

b) Vettorazzi's Analysis of the EBDCs

From Vettorazzi's perspective, an ITIC review was simply a recitation of previous international decisions on a particular pesticide with "no input from the ITIC." Yet in his work for CORESTA – especially in the annex that included the new data – Vettorazzi did very much interpret the data he reported. Vettorazzi even concluded that ETU is "not carcinogenic"[45] despite IARC's longstanding conclusion that ETU is a Class 2b Carcinogen.

How could Vettorazzi have concluded that ETU is not carcinogenic? While he could not deny that the chemical caused tumors, he was convinced that the reason had nothing to do with damage to genetic material. Two conclusions were key to his perspective. In contrast to the US EPA analysis (see Box VIII-1), Vettorazzi determined that (1) ETU is not "genotoxic"[46] and (2) a "threshold" *does* exist below which ETU does not cause tumors.[47]

The committee of experts could not find the entire ITIC safety review of ETU in the industry databases. However, a review of the executive summary and of the entire "Annex" to the safety review raises questions about Vettorazzi's findings regarding the critical issues of genotoxicity and threshold.

Regarding genotoxicity, Vettorazzi reached a stronger conclusion than a WHO expert group had just three years earlier. A 1988 WHO review of ETU had noted IARC's determination that "there is sufficient evidence for carcinogenicity in animals."[48] The report further addressed whether ETU's genotoxicity was responsible for these cancers. After reviewing many studies, some reassuring and some worrisome, the WHO expert group had reached the guarded conclusion that "ETU is generally not mutagenic, especially in mammalian test systems."[49]

In a separate discussion, the WHO group noted that ETU could combine with nitrites in an acid environment such as the stomach to form a potent carcinogen that was 160 times more genotoxic than ETU alone under experimental conditions.[50]

In the executive summary of the initial ITIC Review on ETU, Vettorazzi started with a similar statement to WHO's: "Most mutagenicity studies on ETU, especially those with mammalian test systems, have given negative results."[51] But in the concluding section, he referred to this evidence simply as "extensive negative data." In his annex on ETU, Vettorazzi concluded, "ETU is not genotoxic (from the body of evidence derived from overwhelming negative results obtained in short term mutagenicity assays)."[52] In neither report did Vettorazzi discuss that ETU can combine with nitrites to form a potent carcinogen.

To conclude that a threshold exists for ETU's tumor-causing effects, Vettorazzi limited his discussion to thyroid tumors. He argued that such tumors might develop from a hormonal effect of ETU (rather than from any damage to genetic material), and that a threshold could be set at the point where ETU did not cause such a hormonal effect.[53] Because he did not believe that ETU caused thyroid tumors via a genotoxic mechanism, he concluded the chemical was not a "carcinogen." Instead, he called ETU a "goitrogen," meaning a substance with effects on the thyroid gland.

To make this claim, however, Vettorazzi had to disregard data from the NTP study that ETU caused tumors in the liver, pituitary gland, blood and Zymbal's gland.[54] In the NTP study, for example, only 4 of 50 female mice without ETU exposure developed liver tumors, compared to 44 of 50 with some exposure and 48 of 50 with the highest level of exposure. The researchers associated liver tumors with ETU with a greater than 99% level of statistical confidence.[55]

Despite this evidence, in the initial draft of his annex on ETU, Vettorazzi did not include liver tumors in his "overall assessment." When prodded to do so by tobacco company scientists, Vettorazzi simply asserted, without citing any direct or experimental evidence, that liver tumors were not caused by a genotoxic mechanism:[56]

> "In addition to the effects observed on the thyroid, effects on the pituitary and effects on the liver [including liver tumors]… were observed in mice. These effects are considered to be hormonally mediated although its exact cause is unknown."[57]

Vettorazzi also argued that "the mouse strain. . .used has a high and variable background of liver cancer which is due to its genetic predisposition." Yet in the study in question, only 4 of 50 female mice without ETU exposure developed liver cancer, compared to 48 of 50 at the highest level of exposure to ETU.[58]

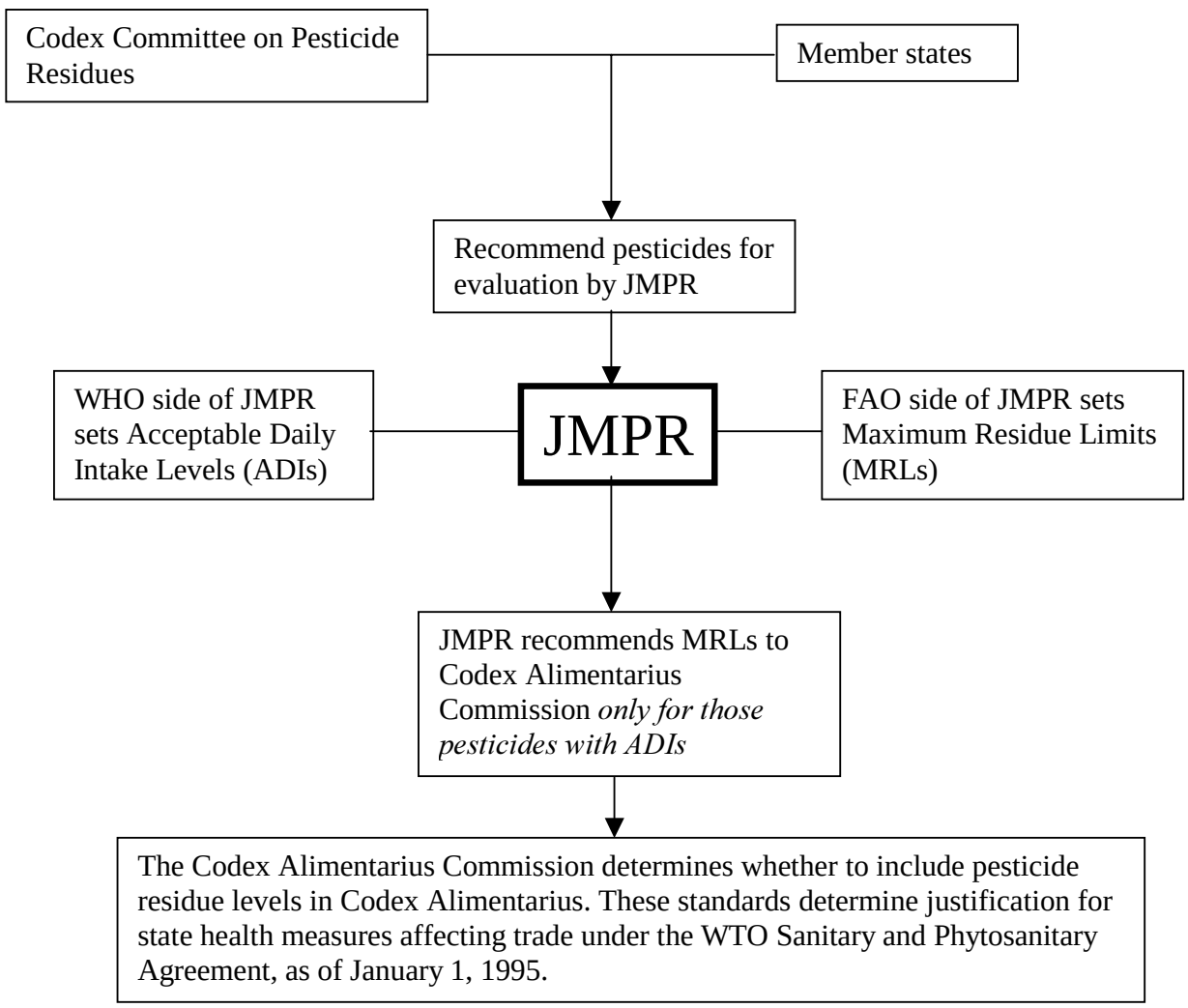
The documents do not suggest that Vettorazzi deliberately altered his scientific opinion of the EBDCs on behalf of CORESTA.

c) A Favorable Review

From early in the process of writing and editing the reviews, Vettorazzi was aware of the regulatory implications of his findings. With his first draft of the ETU submission in February 1991, Vettorazzi told ACAC the news that "there is a wealth of evidence to suggest that its biological effects are no less or more than those that may be expected from any existing anti-thyroid drug sold in the pharmacological market." Moreover:

> "By perusing the draft review on ETU, I am sure you will realize that the regulatory perspectives of this

Figure VIII-3: Role of JMPR in International Pesticide Standard Setting



compounds should not be so gloomy as they may at first appear…"[59]

As editing proceeded through the spring, summer and fall of 1991, with WHO's safety evaluation of the EBDCs looming, CORESTA began to consider expanding Vettorazzi's role beyond a confidential expert opinion.

4. Initial Steps to Influence JMPR

CORESTA members expressed satisfaction with the conclusions of the Vettorazzi reports. On May 23, 1991, after an ACAC meeting in Neuchatel, Switzerland, Philip Morris official Helmut Reif wrote to Vettorazzi expressing "my pride that the acceptance of your report was a very good one." The discussion had turned to what to do next. Reif informed Vettorazzi that ACAC wished to retain him "for possible pro-active actions and for a continuous updating of the reports."[60]

a) Sending Reports

The first "pro-active action" CORESTA seriously considered was to release Vettorazzi's reports to the world's regulatory authorities, including JMPR, a combined standard-setting effort of the WHO and FAO of the UN. (Figure VIII-3). JMPR, which Vettorazzi himself had previously helped to run, was scheduled to review the EBDC fungicides in the coming two years. In a letter to CORESTA Secretary-General Francois Jacob on June 26, 1991, Vettorazzi wrote:

> "We hope Members of CORESTA will be appreciative of the final product and they will act promptly to make the best use of it. VA strongly suggests that without delay any copies of the ITIC Reviews should be forwarded to USA/EPA, FAO and WHO."[61]

Tobacco company scientists within CORESTA recognized the crucial importance of the JMPR evaluation for the future of the EBDCs, calling the joint FAO/WHO initiative "the one body that is globally most influential in assessing the safety of pesticides."[62] Even though JMPR would not specifically address the question of residue limits on tobacco plants, its decisions for food crops would have immense importance to the tobacco industry. If JMPR determined that safety concerns precluded the establishment of an Acceptable Daily Intake (ADI) level for the EBDCs for fruits and vegetables, then the pesticide manufacturers might consider stopping production of these chemicals altogether. Under this scenario, tobacco growers would have limited or no access to EBDCs; the result would be, according to ACAC leader Henri Papenfus, "a major problem in tobacco growing areas affected with blue mould, Cercospora and other diseases."[63]

On the other hand, if JMPR did set an ADI level for the fungicides, then manufacturers would be assured of an international safety standard and would have reason to maintain production. A positive evaluation for the EBDCs might eventually be codified in international standards.[64]

ACAC members came to agree with Vettorazzi that releasing his reports to JMPR was a good idea. Their expectation was that the information would lead JMPR to reach a standard favorable to the EBDCs. As ACAC member Lutz Mueller noted:

> "The information contained in the [Vettorazzi] Reports…is felt to provide a convincing basis for the continued responsible use of dithiocarbamates in the protection of tobacco plants. All this work (and expenses), however, would be of little benefit if not made available to

> those international scientific bodies which make recommendations to national and international regulators regarding the handling, the application, the restrictions and even the banning of pesticides including the setting of maximum residue limits on crops… There is every reason to believe that the Reports will be well received and valuable in endeavoring to ensure that rational judgments emerge on the continued use of dithiocarbamates."[65]

On January 16, 1992, the CORESTA Board met in special session to consider ACAC's recommendation to release the Vettorazzi reports to JMPR. At the meeting, Henri Papenfus of ACAC argued that:

> "The matter will be examined in 1992 and 1993 by the FAO and WHO at their joint meeting on pesticide residues (JMPR). It is therefore essential that the most recent scientific evidence, which is in favour of maintaining the use of EBDC's, be provided to the JMPR, and Dr. Vettorazzi seems to be an appropriate channel to do this."

In turn, the Board congratulated ACAC members "for the excellent job achieved, which is found an excellent illustration of what an early identification of important issues can be and can achieve."[66] After discussion, the Board approved the release of Vettorazzi's reports to JMPR – with one reservation. Vettorazzi could not mention that tobacco companies funded and edited the reports.

b) Hiding CORESTA's Role

CORESTA played a critical role in developing and editing Vettorazzi's EBDC reports. As Helmut Reif of Philip Morris would later explain:

> "The draft report had to pass several stages of approval. Once the Agrochemical Advisory Committee (ACAC) *agreed on the contents*, the report was presented to the Scientific Commission which prepared an executive summary for information of the Council. The final "Vettorazzi Report" was approved officially by CORESTA at its Board Meeting of Jan. 16, 1992."[67] [Emphasis added.]

Despite the tobacco companies' funding, oversight and approval of the documents, minutes from the January meeting reveal that the Board discussed "whether CORESTA wishes its name and support to appear or not." In an ensuing discussion, it was noted that "in no place of the report is tobacco quoted, as the report concerns the chemicals and not the many crops on which they are used, among which many food crops." In the end, the Board decided that

> "Dr. Vettorazzi should be allowed to present his work to the JMPR, but that *he should do this in his own name and not mention CORESTA or the tobacco industry*."[68] [Emphasis added]

According to interviews with Vettorazzi and John Herrman, who has led pesticide efforts at WHO since 1988, Vettorazzi did in fact share his reviews of the EBDCs with JMPR officials around this time. Both Herrman and Vettorazzi also report that no mention was made of CORESTA's role in funding and editing the documents.[69]

When first contacted by the committee of experts, WHO pesticide chief Herrman responded, "Since the late 1980s, I do not recall any occasions on which we have interacted with the tobacco industry."[70] Herrman was "astonished" to hear from the committee of experts that tobacco companies had paid for and edited Vettorazzi's reviews. However, he said that "I would not see the source of funding to be a big issue" because "it is really a factual document and not an evaluation document." For his part, Vettorazzi explained:

> "I said those were done for a client. I had so many other clients, why should I say CORESTA?"[71]

5. Working with WHO

Following the CORESTA Board's decision to release the Vettorazzi Reports to JMPR, ACAC members met in Bordeaux, France, on March 18, 1992. On the agenda was a discussion of the next steps to take on behalf of the EBDC fungicides. According to the minutes, "Vettorazzi has submitted three project proposals which the Agrochemicals Advisory Committee is in the process of discussing."[72]

a) A Proposal for "Pro-active work assistance"

During the following week, ACAC member Helmut Reif of Philip Morrisfaxed to Lutz Mueller of R.J. Reynolds the proposals in question. "Project Proposal Number Three" generated particular interest among the tobacco company scientists. Under this proposal, which Vettorazzi called "Pro-active work-assistance to the WHO-IPCS's JMPR Secretariat," CORESTA would pay Vettorazzi to work for JMPR reviewing pesticides. The beneficiaries of the project would be "WHO's JMPR Secretariat (Dr. J. L. Herrman)" and "IPCS - World Health Organization." Vettorazzi would spend three days a month in this effort, for a total cost to CORESTA of US$99,000.[73] Although apparently discussed for the first time at ACAC in the spring of 1992, this idea had been broached nearly 10 months before, in a letter sent by Vettorazzi to Helmut Reif.

In that letter, dated May 30, 1991, Vettorazzi wrote of a "new idea" that he "discussed very recently with Dr. John Herrman on how ITIC may help and play an important role with the WHO Secretariat of JMPR." Because JMPR was swamped with an "ever-increasing workload," he continued, Herrman would be willing to accept help from Vettorazzi in reviewing pesticides for the regulatory meetings. The result is that "CORESTA would indirectly be contributing work assistance to the WHO's JMPR Secretariat."[74] In a follow-up letter dated June 3, 1991,[75] Vettorazzi forwarded a letter from Herrman in which the WHO pesticide chief wrote that "We would be pleased if arrangements could be made for your providing support" in matters "that are of direct interest to both you and us."[76]

In an interview, John Herrman recalled, "Back in the early to mid 1990s, we were having real financial difficulties because of the strong dollar and the fact that our budget is in Swiss francs…I suppose that in that sense we were looking for whatever help we could get."[77] Herrman said he did not ask Vettorazzi about the financial arrangements that might bring him to Geneva as:

> "I also knew that [Vettorazzi] had to have support from somewhere. I guess I just always assumed it was manufacturers of pesticides that were funding him, among others."

Herrman proposed that Vettorazzi synthesize past international decisions on certain pesticides "into one file" for use by JMPR. (Such a review closely resembled what Vettorazzi was already writing on EBDCs on behalf of CORESTA.) In forwarding Herrman's Letter to Reif, Vettorazzi urged CORESTA to seize this chance:

> "I sincerely hope that the CORESTA members would take their precious time to study in depth the benefits that will accrue for CORESTA from this unique opportunity to indirectly collaborate through ITIC to WHO's activities in the safety assessment of pesticide chemicals. *The door has been opened*."[78] [Emphasis added.]

Ten months later, in the spring of 1992, ACAC took its first steps towards paying Vettorazzi for work for JMPR.

b) A Search for Funding

Helmut Reif, ACAC member and Philip Morris scientist, began the search for funding to finance Vettorazzi's "proactive work assistance to JMPR." In a memo, he reminded Philip Morris executives that:

> "- Fungal diseases are among the most severe problems for tobacco and other crops around the world.
>
> "--The most menacing disease -- blue mold -- can only be controlled by a constant application of fungicides.
>
> "--EBDCs are the most widely used fungicides which do not create resistant fungus strains."

Reif noted that JMPR's decisions on the EBDCs were critical to the future of the chemicals. He explained that Vettorazzi

> "…has retained excellent relations with his former colleagues of WHO, Geneva, who inform him readily about the results of relevant committees and grant him free access to the WHO files. He was even asked to join the WHO pesticide meetings as an external expert and to prepare reviews of toxicological data of those compounds which is on the WHO agenda to be revised in due course."[79]

On June 25, 1992, when ACAC met in Paris, France, Reif reported that "several Companies represented in the ACAC are willing to bring exceptional financial contributions to CORESTA" in order to fund "the pro-active action towards International Organizations."[80] From June 1992, to the end of 1993, Vettorazzi's work at JMPR would cost CORESTA approximately US$100,000.[81]

c) Vettorazzi at WHO

According to the documents reviewed and interviews conducted by the committee of experts and its staff, Vettorazzi performed several tasks for John Herrman at WHO from mid-1992 to the end of 1993 while funded by CORESTA. One of these tasks was not directly related to the EBDCs. According to Herrman, "the first thing" Vettorazzi did for him was to:

> "Go through the monographs on five or six pesticides on which there didn't seem to be any support anymore. This was to lay out what studies were available and when they were done … as a basis for deciding whether it would be worthwhile to even put them on the agenda of a future JMPR. That became moot for most of them because [Maximum Residue Limits] were removed for all but one."[82]

In written comments to the committee of experts, Vettorazzi stated that the idea for "pro-active work" came after "repeated requests for help to alleviate the heavy work confronting the WHO Secretariat of JMPR."[83] In an interview, he explained his enthusiasm at using the tobacco companies' money to pay for such work at WHO:

> "They are [the] smoke industry. They are people who try to sell and buy and nothing else. [If] you talk about philanthropy, they will not understand a damn thing. So I [had] a little money…With this little money, [I paid for time]…to help John Herrman."[84]

Vettorazzi's other major tasks at WHO, however, directly related to CORESTA's goal of obtaining a favorable EBDC review by JMPR. One was to summarize past international decisions on the EBDC pesticides for use by JMPR at the 1993 meeting in which a safe daily intake level for these chemicals would be discussed.[85] By the time Vettorazzi began to work at JMPR, he had already completed this task. The same Reports that were funded and edited by CORESTA – and which had been informally shared with WHO, FAO and EPA– were now provided to WHO for official use. According to Vettorazzi, WHO sent these reviews to A. Kocialski, a JMPR adviser, to assist with his drafting of the "working paper" that would be the basis for discussion at the 1993 meeting (Box VIII-2). When asked whether the reports were helpful, Vettorazzi responded:

> "You better believe it. And John Herrman was very thankful to me…. And there is another thing… Some of the temporary advisers were new people... And not familiar, totally and completely familiar with the exercise."[86]

Box VIII-2: Decisionmaking at JMPR

Three groups of people attend JMPR decisionmaking sessions.

- voting members (approximately 15), who make JMPR's recommendations.
- temporary advisers who write the "working papers" that are the basis for discussion of each pesticide. A. Kocialski of US EPA wrote the working paper on ethylene thiourea (ETU) for the 1993 JMPR.
- temporary advisers, who attend at the discretion of the Secretariat. Vettorazzi was such a temporary adviser.

Source: Interview with Penelope Fenner-Crisp, April 20, 2000.

Tobacco company scientists also believed that the reports would lead JMPR to make decisions favorable to EBDCs. In a brief assessment of Vettorazzi's work, ACAC noted that:

> "His toxicological safety assessments on the EBDC's were very well received by the committee members and will be used as *basic information for the decisions of the review committee taken later this year*."[87] [Emphasis added.]

In an interview, Herrman agreed that Vettorazzi's reports would have been helpful to the author of the working paper, but only insofar as "incorporating previous sections of monographs into their working papers."[88] He could not recall whether Vettorazzi's annex that included new data

was of particular use to Kocialski.[89] The committee of experts was unable to find the working paper for review either in the tobacco databases or at WHO, as Herrman reported that working papers are only kept for a few years after each meeting.[90]

d) Vettorazzi at 1993 JMPR Meeting

In addition to assisting the author of the working paper on EBDCs, Vettorazzi attended the 1993 JMPR meeting in Geneva, Switzerland, in the official capacity of temporary adviser (Box VIII-2). Herrman wrote Vettorazzi on July 29, 1993:

> "I wish to inform you that you will be attending this Meeting as an international expert and not as a representative of your Government or any other organization…"[91]

Yet Vettorazzi's progress reports to CORESTA indicate that he saw his work at JMPR as part of his consultancy. In October 1992, he wrote to ACAC that his work for JMPR would assist in "preparing the grounds for a formal invitation to Vettorazzi to participate to the JMPR-1993 [meeting] (September-October, 1993) when [the EBDCs] will be re-evaluated."[92] In a June 1993 report to CORESTA, Vettorazzi listed the upcoming JMPR meeting under his activities of "monitoring of international activities in the field of safety assessment of EBDC pesticides."[93] And on August 28, 1993, Vettorazzi faxed Helmut Reif of ACAC,

> "From 20-29 September I will be attending the Joint FAO/WHO Meeting on Pesticide Residues (JMPR) in Geneva, Switzerland where ETU, Mancozeb, Maneb, Propineb and Zineb will be discussed. I trust my next report to CORESTA will be a smashing success….This success was due, principally, to your close collaboration and advise…ITIC's action has been so far very successful only through the close technical and otherwise contacts with the interested parties."[94]

Vettorazzi's role as temporary adviser included work before and during the JMPR meeting. Prior to the meeting, Vettorazzi reviewed the pivotal "working papers" on the safety of EBDC fungicides and ETU written by EPA official A. Kocialski. In a report to CORESTA, Vettorazzi described his role as working on "revision" of the draft documents.[95]

In an interview, WHO pesticide chief John Herrman contested this claim.[96] While Herrman agreed that Vettorazzi probably did see the working papers prior to the meeting, as they were sent to "almost all temporary advisers," he said that there was no precedent for such advisers making significant changes to the draft papers before the meeting. He explained: "We never would have sent that to him for revision. Maybe for review."[97] According to Herrman, the voting member of JMPR who reviewed the ETU working paper was Dr E.M. den Tonkelaar of the Netherlands' National Institute of Public Health and Environmental Protection, who is deceased. The committee of experts did not find any documentary evidence showing that Vettorazzi altered the reviews in the tobacco database. The working papers no longer exist, because, as Herrman explained, such documents are only kept at WHO for a few years after each JMPR meeting.

As a temporary adviser, Vettorazzi was present for the discussion of ETU and the EBDCs. According to Herrman, Vettorazzi's reports on the EBDCs were available in the meeting room for the committee members as the working papers

were reviewed and decisions made. Vettorazzi could have participated in the discussion of the JMPR's decisions, but as a temporary adviser, he did not have a vote. Herrman did not recall that Vettorazzi "said much or provided much other than those documents that he had prepared that were available at the meeting."[98] Nor did Penelope Fenner-Crisp from US EPA — who was a JMPR member and the rapporteur at the meeting — recall any specific comments or contribution that Vettorazzi made.[99] There are no minutes or recordings of the meetings available for the committee of experts to review.

e) Vettorazzi's Tobacco Ties Hidden

Even while Vettorazzi received almost US$100,000 from June 1992 to December 1993 to work on behalf of CORESTA at JMPR, his tobacco affiliation was apparently not known to anyone at the UN agencies involved. After learning from the committee of experts of this relationship, Herrman reported: "I was astonished that he had not told me that that was the source of his funding." Rather than tobacco companies, Herrman said he had "just always assumed it was manufacturers of pesticides that were funding him, among others."[100]

Penelope Fenner-Crisp also reported that she and others at the JMPR meeting where EBDCs were discussed had no knowledge of Vettorazzi's consultancy.[101] In an interview, Vettorazzi explained, " I don't give the name of my clients to anyone. Absolutely not."[102] According to John Herrman, there were no rules in place at this time regarding disclosure.[103]

f) JMPR's Decisions on EBDCs

When JMPR met to discuss the EBDCs, the standard-setting group had to answer two key questions. First, was ETU genotoxic? Second, was there a threshold below which ETU does not cause cancer? If the answers were "yes" and "no," as EPA had concluded (see Box VIII-1), then according to the WHO's *Principles for the Toxicological Assessment of Pesticide Residues in Food,*[104] JMPR could not determine that the pesticides were safe enough to merit an ADI level.

On the other hand, if the answers were "no" and "yes," as Vettorazzi had concluded, then an acceptable intake level could be set that would be passed on to the Codex Alimentarius Commission for incorporation into international standards. Tobacco company officials understood that such standards might come to be legally binding under world trade law.[105]

JMPR's conclusions mirrored those of the Vettorazzi reports (and contradicted those of EPA). The committee of experts has reviewed JMPR's reports and believes that there remain questions about whether these reports satisfactorily addressed available evidence. The JMPR reports fail to address some of the same data ignored in the Vettorazzi reports.

The most detailed description of the JMPR decisionmaking process is the toxicology monograph on ETU published by WHO.[106] While the 46-page document exhaustively summarized the methodology and results of various toxicology experiments, only three pages were devoted to "comments." Of these three pages, only one paragraph explained the JMPR's final determination that ETU is not genotoxic:

> "ETU has been the subject of many *in vitro* and *in vivo* studies for genotoxicity. It induces mutations in bacteria at very high doses but variable responses have been obtained in other types of mutation assays. Acceptable assays for other genotoxicity endpoints *in vitro* were generally negative, while all *in vivo* assays were negative. The Meeting concluded that ETU was not genotoxic."[107]

The monograph did not mention evidence demonstrating that ETU may combine with nitrites in an acidic environment (such as the human stomach) to form a highly potent carcinogen. When asked about this omission, Herrman replied in an email:

> "The mutagenicity studies [on ETU and nitrites]… are extremely difficult to interpret and do not provide quantitative information that can be used in a risk assessment."[108]

However, part of JMPR's task is qualitative –determining whether ETU is genotoxic does not require a formal risk assessment. While Herrman's perspective on the studies may be accurate, there is no indication in the monograph that the combination of ETU and nitrites was considered. In addition, the committee of experts notes that the monograph comment "all *in vivo* assays [for ETU] were negative" is not correct, as two such assays cited were inconclusive.[109]

Regarding the issue of threshold, the toxicology monograph did not explain why JMPR concluded that there was a level below which ETU did not cause cancer. The committee presumably followed the logic that ETU's hormonal effects only cause thyroid tumors beyond a certain level. For agents that only cause thyroid cancer, the JMPR guide *Principles for the Toxicological Assessment of Pesticide Residues in Food* allows such a threshold to be set.[110] But the monograph did not discuss why it set a threshold in the face of animal evidence linking ETU to tumors of the liver, pituitary, blood and Zymbal's gland.

One explanation for JMPR's decision to ignore data on liver tumors – data that played a key role in EPA's decisionmaking on ETU – is that the JMPR often does not share EPA's view that liver tumors in mice accurately predict human cancer risk.[111] *Principles for the Toxicological Assessment of Pesticide Residues in Food* states, "It is inadvisable to classify a substance as likely to be a carcinogen to humans solely on the basis of increased incidence of mouse liver tumours." The main reason given for this conclusion is that "JMPR has generally considered it unwise to classify a compound as a carcinogen solely on the basis of an increased incidence of tumours of a kind that commonly occur spontaneously in the species and strain under study."[112] In the National Toxicology Program study on ETU, however, only 4 of 50 female mice in the control group developed liver tumors, compared to 48 of 50 receiving ETU.[113]

In an email, Herrman noted that some scientists believe that Zymbal gland tumors and blood cancers may not be caused by ETU, even though studies show statistically significant increases in exposed animals.[114] However, JMPR's toxicology monograph on ETU did not discuss these theories or any evidence to support them.

At the 1993 meeting, JMPR set an ADI level for ETU of 0.004 mg/kg of body weight. This level was then passed on to the Codex Alimentarius Commission, which established maximum residue limits for EBDCs on a variety of crops. These standards did eventually become part of international trade law. Under the

Agreements on the Application of Sanitary and Phytosanitary Measures – adopted as part of the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) -- any attempt by a country to ban EBDCs will have to be defended at the international level.[115]

g) Welcome News for CORESTA

The JMPR's standards for ETU and the EBDCs came as welcome news to CORESTA. On October 3, 1993, ACAC recognized that JMPR's action "clearly indicates that the 'carcinogenicity' of [ETU] is not really a burning issue any longer."[116] On January 20, 1994, the CORESTA Board noted that:

> "The ACAC has maintained a fruitful liason with Vettorazzi Associates and the establishment of new a.d.i.'s for various EBDC's at the JMPR meeting of September 1993, can be considered a very positive result for the industry."[117]

In May of that year, at a meeting of the CORESTA Scientific Commission, Henri Papenfus explained, "CODEX increased a number of a.d.i.'s for EBDC pesticides and set an a.d.i. on ETU, thereby implying that it is not a carcinogen." He announced that mancozeb, an EBDC fungicide, had been re-registered in the US for use on tobacco crops.[118]

6. After JMPR

a) A Scientific Paper

Two years after JMPR's favorable decision on ETU and the EBDCs, Vettorazzi and several coauthors published a paper in the scientific journal *Teratogenesis, Carcinogenesis and Mutagenesis* hailing the new standards as an "important contribution to present and future models for toxicological evaluations of thyroid-function inhibiting pesticides – delineating threshold values for the EBDCs' potential carcinogenic effects."[119] The paper made no mention of controversies over genotoxicity or the evidence for other tumors besides thyroid. Nor did the paper mention anything about tobacco.

Yet documents indicate that CORESTA had paid Vettorazzi to write the paper. On January 16, 1992, at the same CORESTA Board meeting where the sharing of Vettorazzi's reports with JMPR was approved, W.M. Hildebolt of R.J. Reynolds suggested that "a summary of this report be published in a scientific journal with no reference to CORESTA."[120] Two months later, Vettorazzi made a formal proposal on the "Writing of a scientific article on the safety assessment of EBDCs & ETU." The "beneficiary" of the project was CORESTA, who would pay US$15,400 for the publication.[121] This project was subsequently made part of Vettorazzi's June 1992-December 1993 contract for US$100,000.[122] Tobacco company officials eagerly awaited the publication; one 1992 memo from the files of Helmut Reif discussed the importance of establishing a threshold for the carcinogenicity of the EBDCs and stated that "the execution of the project aiming at explaining this theory through a publication scheme has become more and more significant and urgent."[123]

In an interview, Vettorazzi flatly denied that he had received funding from CORESTA to write a paper on this topic:

> "They [didn't]… pay me to write the paper. That paper is co-authored by all the big names…People from Brazil, two Americans, and some other people from Argentina. Disregard [those

documents]…if it is in my record, it means absolutely nothing."[124]

According to Vettorazzi, he had planned to write such a paper since attending a Brazilian conference in 1990, prior to his CORESTA consultancy.

Yet documents show that Vettorazzi considered the paper to be part of his work on behalf of tobacco companies. His quarterly reports to ACAC all contained updates on the status of the paper. In an April 1993 report to ACAC, Vettorazzi explained that "All the essential material has been collected."[125] In his December 1993 report, Vettorazzi wrote:

> "*Under the present agreement [with CORESTA] VA/ITIC is expected to publish a paper on the international status of EBDCs and ETU.* During the period in question, an information/review manuscript was prepared (see enclosed copy). The provisional title and subtitles are: INTERNATIONAL SAFETY ASSESSMENT OF PESTICIDES. Dithiocarbamate Pesticides, ETU and PTU. Review and Update."[126] [Emphasis added.]

At this point, Vettorazzi sought co-authors at US EPA and elsewhere. In his letter asking these scientists to sign on to the paper, Vettorazzi did not mention CORESTA's role, writing instead that

> "The ITIC has lately received many requests for information on this subject. We have therefore decided to publish an information and review paper including all the dithiocarbamate pesticides internationally evaluated for safety in use."[127]

At the October 1995 meeting of the CORESTA Scientific Commission, it was reported that the "The paper on the EBDC/thiourea will be published in a [sic] near future in Carcinogenesis and Teratogenesis."[128] Indeed, when Vettorazzi and seven co-authors published their paper, the title was the same as had been disclosed to CORESTA two years prior: "International Safety Assessment of Pesticides: Dithiocarbamate Pesticides, ETU and PTU – a Review and Update."

"The toxicological and safety assessments of dithiocarbamates," wrote Vettorazzi and others in *Carcinogenesis, Teratogenesis and Mutagenesis*, "offers a remarkable case of how the safety assessment process operates."[129]

b) Further UN work for Vettorazzi

In the spring of 1993, CORESTA began to consider extending Vettorazzi's consultancy. With his successful work at JMPR ongoing, tobacco company officials were eager to maintain Vettorazzi's assistance. One Philip Morris lawyer wrote in May 1993 that "Coresta should pay Vettorazzi up to US$100K to keep him in our camp as eyes and ears for WHO/FAO/CODEX [Alimentarius] matters."[130]

Later that month, the CORESTA Board agreed that "the relationship with Vettorazzi Associates, who proved efficient and reliable, should be maintained and extended."[131] A contract worth US$100,000 was established for work from January 1994 through June 1995.[132]

One element of Vettorazzi's ongoing consultancy agreement was to monitor any international action on the EBDCs. He was also asked to produce new safety profiles for

19 other chemicals and to provide "Co-representation of CORESTA's interests at international bodies where I.T.I.C. is officially admitted as Non Governmental Organization (NGO)." Such bodies include JMPR and the Codex Alimentarius Commission.

In an interview in April 2000, Vettorazzi said he still consults for CORESTA.[133]

c) Assisting with National Regulations

With JMPR's favorable evaluation of the EBDCs in hand, Vettorazzi assisted tobacco companies in disputes over the pesticides in various countries around the world. On July 6, 1994, for example, Helmut Reif of Philip Morris wrote Vettorazzi about a threat to dithiocarbamates from Spanish regulatory authorities:

> "Recently we received from our Spanish colleagues a copy of the new Royal Decree on Pesticides in Spain. Some of the substances which are well accepted in other countries (dithiocarbamates) have got extremely low residue values so that this would more or less exclude any usage of Spanish tobacco.
>
> "Enclosed I send you copies of everything I have at the moment. Could you check for us (a) if this is the final version (b) if it is meant for tobacco or only for some vegetables and (c) if there is a possibility to alert the ministry that this would hamper the tobacco trade to a great extent. Did they take into account other EEC countries?"[134]

Vettorazzi wrote back on July 11 that he had plans to meet with Angel Yaque, Director of the Spanish Office on Pesticide Homologation at the 1994 JMPR:

> "On this occasional [sic] it will be convenient to discuss also matters related to pesticide residues in tobacco and future developments in this field both in Spain and in the international environment… Dr. Yaque is an excellent person and ready to assist."[135]

There is also a document indicating that Vettorazzi might be presented as an independent authority on the safety of cigarette ingredients to regulatory authorities in Chile.[136]

In addition to his work for CORESTA, Vettorazzi also began to consult for Philip Morris on food additives, starting in September, 1994 for US$7,000 per month plus expenses.[137]

C. Assessment

In late 1989, after the US EPA took action against the EBDC fungicides, CORESTA officials worried about the future availability of this class of chemicals they considered essential to growing tobacco. But by late 1993, these same officials were congratulating each other for a decision by the Joint Meeting on Pesticide Residues of WHO and FAO that essentially guaranteed the EBDCs' continued production. Between 1989 and 1993, the tobacco companies aimed to influence the primary UN group that sets standards for pesticides through its consultant, former WHO pesticide chief Gaston Vettorazzi. What did the tobacco companies accomplish?

The story of the EBDCs demonstrates the ability of tobacco companies to fund a consultant within a UN standard-setting activity, all the while concealing the role of tobacco companies. Tobacco executives described Vettorazzi as CORESTA's "eyes and ears"[138] within WHO and someone who

had "free access to the WHO files."[139] From 1992 to 1993, Vettorazzi passed CORESTA-approved reports to WHO, reviewed pesticides for WHO, attended key international regulatory meetings as a temporary adviser to WHO –disclosing neither his financial support from CORESTA nor his explicit agenda to win for tobacco companies a favorable outcome for the EBDCs. WHO pesticide chief John Herrman was completely unaware that he had relied on a tobacco consultant throughout the early 1990s.

Vettorazzi's return to WHO also highlights the ability of tobacco companies to exploit financial stress at the UN agency. According to Herrman, WHO nearly cancelled a JMPR meeting in the early 1990s for lack of funds. Because of financial difficulties, Herrman admits to looking for help wherever he could find it. Vettorazzi's perspective was that he simply answered "repeated requests for help to alleviate the heavy work confronting the WHO Secretariat of JMPR."[140] Such financial pressure created an obvious incentive for a WHO official not to press its former pesticide chief for too many details about the arrangement that brought him back to Geneva.

A fundamental question is what Vettorazzi accomplished at WHO for tobacco companies. CORESTA described its relationship with Vettorazzi as a "fruitful liaison"[141]-- what, then, were the fruits? During the early 1990s, he provided CORESTA with direct access to detailed information on WHO actions. "If their primary goal was…inside information on the JMPR evaluations," John Herrman said in an interview, "based upon the fact that they obtained some of these privileged documents, they probably did succeed in that."[142] But inside information wasn't CORESTA's only goal. As one ACAC member put it, the true aim was to "ensure that rational judgments emerge on the continued use"[143] of the EBDCs. CORESTA wanted to preserve access for tobacco growers to a key group of pesticides.

Given this objective, the most troubling question raised by the EBDC issue is whether a tobacco consultant – hiding the role of tobacco companies – managed to contribute significantly to a UN standard setting process on the safety of a widely used group of pesticides and whether that contribution, if any, led to an inappropriate scientific conclusion. Such a scenario would have ramifications far beyond tobacco, because JMPR's favorable review of the EBDCs directly supported their continued use on many food crops.

The committee of experts cannot reach a definitive conclusion on an appropriate standard for the EBDCs, and the lack of adequate documentation within JMPR complicates an assessment of what happened prior to and during its 1993 meeting. Nonetheless, the committee of experts' preliminary review does not exonerate the JMPR process and conclusions, and the committee of experts believes that further investigation is necessary.

There are three major reasons for this conclusion.

1. The committee of experts questions whether Vettorazzi's conclusions about the EBDCs were scientifically valid.

In his assessments of the genotoxicity of ETU, Vettorazzi reached conclusions more favorable to the chemical than WHO had three years before. Moreover, his reports did not mention the potential for ETU to combine with acid in the human stomach to

form a potent carcinogen. Even tobacco company scientists were uncomfortable with the statement in a draft report from Vettorazzi that ETU was "not a carcinogen."

To make his determination that there exists a threshold below which ETU does not cause tumors, Vettorazzi ignored key data from the NTP study that demonstrated a marked increase in non-thyroid tumors. Vettorazzi was so devoted to the idea that ETU acted through hormonal mechanisms that he presumed a hormonal cause for liver tumors, even without presenting evidence.

2. It is unclear to what extent Vettorazzi may have influenced JMPR.

JMPR officials strongly dispute the notion that Vettorazzi played an important role in the group's safety determination of the EBDCs. In an interview, John Herrman explained:

> "In terms of the evaluations by JMPR itself, they were not based on any working papers that Dr. Vettorazzi produced. They were based on working papers based on scientists from other agencies, from various agencies and universities. In fact, Dr. Vettorazzi has never produced any working papers that were used by JMPR."[144]

He continued:

> "Dr. Vettorazzi was only one of 15 to 20 scientists who participated in these meetings on the toxicology side, and he was not one of those who made the decisions about particular evaluations…We invite established scientists with extensive experience and knowledge on the databases on the pesticides under consideration and that the participants in these meetings are not likely to be led astray by nonscientific arguments that might be made."[145]

Penelope Fenner-Crisp of US EPA, who was the rapporteur of the JMPR meeting on the EBDCs, agreed that Vettorazzi or his comments would not have influenced JMPR voting members and the EPA staff who put together the working paper on ETU.[146]

Despite these statements, which reassure the committee of experts, there is no paper record to demonstrate that the JMPR process was not tainted by influence from Vettorazzi. The original working paper on ETU and any subsequent drafts are unavailable, and there are no minutes or recordings of the JMPR meetings. The potential for influence occurred at three key junctures – when Vettorazzi sent his reviews to the person drafting the working paper, when Vettorazzi may or may not have revised this working paper, and when Vettorazzi participated in all relevant JMPR decisionmaking processes.

3. The committee of experts questions whether JMPR reached an appropriate standard for the EBDCs.

John Herrman of WHO, in an interview, expressed his strong belief that the right decisions were made on these chemicals.[147] Penelope Fenner-Crisp of US EPA also concluded that JMPR's evaluation of ETU was reasonable given its approach to pesticide evaluation. She noted, for example, that JMPR historically does not pay nearly as much attention to liver tumors as does EPA.[148]

Also reassuring is that no national regulatory authority that the committee of experts is aware of has tried to ban use of the EBDCs. Nonetheless, the committee of experts notes that the JMPR toxicology

monograph largely mirrored the Vettorazzi reports in its analysis of ETU.

Ultimately, the committee of experts cannot conclude that Vettorazzi significantly contributed to an inappropriate evaluation of this commonly used group of pesticides. But neither can the committee of experts conclude that Vettorazzi did not do so. The committee of experts recommends further evaluation of decisions on the dithiocarbamate pesticides by an outside group of experts.

The final matter for assessment is Vettorazzi's publication, in *Teratogenesis, Carcinogenesis and Mutagenesis*, of his interpretation of what happened at the 1993 JMPR. By portraying ETU as primarily a thyroid toxin, the paper contributed to global reassurance about the safety of the EBDCs. While Vettorazzi claims the idea for a paper on the EBDCs originated in Brazil in 1990, the documents indicate that CORESTA contributed funding to make it a reality. The publication represents yet another attempt by tobacco companies to influence the scientific process while hiding their own role.

D. Conclusions

Faced with the prospect that a key group of chemicals used to protect tobacco crops might come off the market, CORESTA surreptitiously hired a former WHO pesticide chief to provide scientific papers and to serve as a temporary adviser to a UN standard-setting activity. It is clear that Gaston Vettorazzi, tobacco consultant, participated officially in the JMPR evaluation of the EBDC pesticides. It is also evident that this evaluation was favorable to the tobacco industry. Because of a lack of documentation, however, the committee of experts cannot determine whether Vettorazzi improperly influenced the decision of JMPR to assure the world of the safety of the EBDCs.

With a favorable decision in hand, tobacco companies funded the publication of a slanted version of the JMPR's action in a scientific journal – without mention of this support for the article. In the final analysis, tobacco companies viewed an international standard-setting group and the scientific literature as tools for the protection of their economic interest in the EBDC fungicides. The committee of experts has included several recommendations to protect the integrity of WHO's decisionmaking on public health standards.

E. Recommendations

CORESTA's attempt to influence the JMPR standards on the EBDC pesticides undermines the integrity of JMPR's decisions. To restore credibility and to prevent future occurrences of similar attempts to subvert standard-setting activities, the committee of experts recommends that WHO strengthen its conflict of interest rules and provide strong guidance and enforcement for ethical standards. A comprehensive, detailed listing of all of the committee of experts' recommendations can be found in Chapter XIII. This section highlights those principles particularly relevant to this case study.

a) Independent Expert Review of Key JMPR Decisions

Because there is virtually no documentation available from the 1993 JMPR meeting, the committee of experts could not determine whether Vettorazzi contributed to JMPR's setting an inappropriate standard for the EBDCs. Without a review of working paper drafts and detailed minutes of the meetings, it will probably be impossible to ascertain what

contribution Vettorazzi made to JMPR's decisions. However, the more important question is whether the right standard was set. Given the serious questions raised by the case study, the committee of experts recommends that WHO fund an independent evaluation of all pesticides targeted by tobacco companies in which Vettorazzi took an active interest. This would include all of the EBDC pesticides as well as several other dithiocarbamate pesticides. Members of this review panel should have no past or present affiliation with the tobacco industry.

1. WHO should undertake or commission an independent technical review to determine whether pesticide safety determinations made under the possible influence of tobacco company consultant Gaston Vettorazzi should be re-opened.

b) Transparency in Standard-Setting Activities

One major factor limiting the ability of the committee of experts to ascertain whether Vettorazzi improperly influenced members of the JMPR is the lack of documentation of JMPR meetings. Standard setting is most credible when transparent, and the surest way to respond to accusations of improper influence is to be able to document how decisions were made through detailed minutes and other forms of documentation. WHO should require that detailed minutes be kept or recordings made of all significant standard setting activities.

2. Standard-setting bodies should maintain minutes of their deliberations and decisions, to increase the visibility of any tobacco industry influence.

c) Strong Rules Against Conflict of Interest

At the time that Vettorazzi provided "pro-active work assistance" to the WHO Secretariat of JMPR, there were no procedures for disclosure of conflict of interest. Subsequent to that time, John Herrman has required temporary advisers to fill out a form that requires staff to disclose "Any financial or other interests that could constitute real, potential or apparent conflict of interest situations." One such situation is given as:

> "an employment, consultancy, directorship, or other position during the past 2 years in a company with commercial interests in the subject-matter of the meeting, or an ongoing negotiation or arrangement concerning *prospective* employment or other association with such a company."[149] [Emphasis in original]

This requirement would have required that Vettorazzi disclose his consultancy with CORESTA.

These rules are a definite step in the right direction. However, the committee of experts believes they should be strengthened further and applied across WHO to provide an effective barrier to tobacco industry influence.

First, rules should require advisers to list all significant financial holdings and business relationships, not just disclose potential conflicts of interest. Such rules should apply broadly to anyone performing substantive work at WHO, whether staff, advisers, or unpaid volunteers, as Vettorazzi was in this case. As written, the policy of disclosing only conflicts provides considerable latitude to those working for WHO to decide what constitutes such a

conflict. As Penelope Fenner-Crisp of US EPA said of current rules:

> "One of the questions that should be asked is: Does this now provide sufficient safeguards or sufficient mechanisms for acknowledgement of the potential for conflict? How much improvement have you really gotten just because I or anybody else signs this little paragraph saying I have no conflict of interest?"[150]

By contrast, US EPA requires comprehensive financial disclosure for staff and members of advisory committees. The committee of experts is not familiar with the rules of other similar organizations in other countries.

Second, the rules should prohibit advisers from having a significant financial relationship with the tobacco industry. Given tobacco companies' record of attempting to compromise WHO activities and distort the scientific process for their own profit, allowing such advisers into WHO is unwise.

Third, there should be clear consequences for violation of disclosure rules. Such consequences might include a prohibition on future work for WHO.

WHO should:

3. Require all WHO employees, consultants, advisors, and committee members to disclose any arrangements or negotiations concerning prospective employment with any organization substantially controlled or funded by the tobacco industry.

4. Require contractors proposing to provide professional services to WHO, including law firms, advertising agencies and public relations agencies, to disclose past relationships with tobacco companies and to terminate any current relationships.

5. Require prospective employees, consultants, advisors, and committee members to disclose all past and current financial and other affiliations with tobacco companies, and to terminate any substantial current affiliations, except where there is a showing that an individual's contribution is essential.

6. Extend the requirement to file an annual declaration of financial interests (currently applicable only to Cabinet members, Regional Directors and advisors to the Director-General) to all staff, consultants, advisors, and committee members who are in a position to influence WHO policies, programs or research.

7. Clarify the annual "declaration of financial interests" disclosure form, to ensure that annual disclosures include all sources of income, including gifts, grants, and honoraria; and all assets or items of value, such as real estate.

8. Clarify current staff regulations, which require employees to disclose to the Director-General any offer of an "honour, decoration or gift" from external sources, to ensure that this requirement covers any offer of

future employment, remuneration or financial benefit.

9. Adopt a policy against the acceptance of "seconded" staff sponsored or funded by the tobacco industry.

10. Clarify the consequences for violations of ethics rules, by specifying and publicizing significant consequences for serious violations.

11. Provide for the possibility of termination of employees, consultants, advisors and committee members who conceal relationships with the tobacco industry or commit other serious and intentional offenses.

12. Disqualify those guilty of serious offenses from re-employment or re-appointment as consultants, advisors or committee members for a specified period of time. The length of such a disqualification should be determined by WHO, but should be consistent with the seriousness of the offense.

13. Clarify the consequences for violation of the current rule against disclosure of non-public information related to WHO activities.

d) The Revolving Door

A major reason for tobacco companies' success in placing a consultant inside a WHO standard-setting effort was the consultant's history at WHO. Indeed, Vettorazzi had previously served in John Herrman's role as Secretariat of JMPR.

Because of the ease of access that former employees typically have to an organization, it is especially important that WHO institute and publicize rules limiting "revolving door" activities. WHO should:

14. Require all WHO employees to agree, as a condition of employment, that in any post-employment contacts with the WHO they will identify any tobacco company or tobacco-affiliated organization directing them to make the contact, or on whose behalf the contact is made.

15. Require WHO employees to agree, as a condition of employment, that they will not contact WHO on behalf of any tobacco company or tobacco-affiliated organization for a period of two years after leaving WHO employment.

16. Require WHO employees to agree, as a condition of employment, that they will not accept any subsequent tobacco industry employment involving a secific issue in dispute in which they had substantial personal involvement at WHO.

e) Disclosure of Interests in the Scientific Literature

Tobacco companies aim to place articles in the medical literature without revealing their support for the research. In this case study, the documents indicate that CORESTA paid Vettorazzi for his publication of an article describing the JMPR's decision. However, this funding was not disclosed.

When such events come to WHO's knowledge, the organization should act swiftly to correct the scientific record.

17. Where WHO or IARC learn of research that has been published, or submitted for publication, without disclosure of tobacco industry funding, the committee of experts encourages WHO and IARC to make the industry involvement known to the journals or publications involved.

f) Funding Standard-Setting Activities

Public health officials are placed in a considerable bind when basic standard setting activities are so pressed for funding that, in the words of John Herrman, there is a need to look "for whatever help we could get."

18. WHO should review the use of extra-budgetary funds for standard setting activities to ensure that acceptance of funding or personnel from tobacco companies, or organizations under their control, does not compromise the integrity of WHO decisionmaking.

g) Further Investigation by Other UN Agencies

Finally, the committee of experts did not pursue Vettorazzi's work on behalf of tobacco companies at the Codex Alimentarius Commission of the Food and Agriculture Organization. As Codex standards are considered international standards for the purposes of providing justification for state health measures affecting trade under the World Trade Organization Sanitary and Phytosanitary Agreement, it is especially important to assure that its processes are free of conflict of interest and inappropriate influence.

19. WHO should urge other UN organizations to investigate possible tobacco company influence on their decisions and programs, and to report their findings publicly.

20. WHO should advocate implementation and consistent enforcement of effective conflict of interest and ethics policies throughout UN agencies.

Notes

1. Interview with John Herrman, April 19, 2000.
2. International Programme on Chemical Safety. *Dithiocarbamate Pesticides, Ethylene thiourea, and Propylenethiourea: A General Introduction.* Environmental Health Criteria 78. Geneva: World Health Organization, 1988.
3. International Programme on Chemical Safety. *Dithiocarbamate Pesticides, Ethylenethiourea, and Propylenethiourea: A General Introduction.* Environmental Health Criteria 78. Geneva: World Health Organization, 1988, 73.
4. International Programme on Chemical Safety. *Dithiocarbamate Pesticides, Ethylenethiourea, and Propylenethiourea: A General Introduction.* Environmental Health Criteria 78. Geneva: World Health Organization, 1988, 96–98.
5. Chhabra RS, Eustis S, Haseman JK, Kurtz PJ, Carlton BD. Comparative carcinogenicity of ethylene thiourea with or without perinatal exposure in rats and mice. *Fundamental and Applied Toxicology* 1992; 18:405–417.
6. US Environmental Protection Agency. Ethylene Bisdithiocarbamates; Notice of Preliminary Determination to Cancel Certain Registrations, Notice of Availability of Technical Support Document and Draft Notice of Intent to Cancel. *Federal Register* 1989;54: 52158, 8.

7. US Environmental Protection Agency. Ethylene Bisdithiocarbamates; Notice of Preliminary Determination to Cancel Certain Registrations, Notice of Availability of Technical Support Document and Draft Notice of Intent to Cancel. *Federal Register* 1989;54: 52158, 10.

8. US Environmental Protection Agency. Ethylene Bisdithiocarbamates; Notice of Preliminary Determination to Cancel Certain Registrations, Notice of Availability of Technical Support Document and Draft Notice of Intent to Cancel. *Federal Register* 1989;54: 52158, 7.

9. *Report of Agro–Chemicals Advisory Group to CORESTA Scientific Commission*. May 17, 1990. Philip Morris Companies Inc. 2028461865–1868 at 1866. www.pmdocs.com. UQ 33430.

10. Saunders DS. *Toxicological Evaluation of Pesticides*. October 3, 1989. R.J. Reynolds Tobacco Company. 511113623–3652 at 3624. www.rjrtdocs.com. UQ 33628.

11. Hill DA. *Remarks for Dale A. Hill at the Agronomy/Phytopathology Group Meeting of CORESTA in Cesme, Turkey*. October 3, 1989. R. J. Reynolds Company. 511194017–4037 at 4018. www.rjrtdocs.com. UQ 33629.

12. Hill DA. *Remarks for Dale A. Hill at the Agronomy/Phytopathology Group Meeting of CORESTA in Cesme, Turkey*. October 3, 1989. R. J. Reynolds Company. 511194017–4037 at 4029–30. www.rjrtdocs.com. UQ 33629.

13. *Extraordinary Meeting of the Scientific Commission, Cesme–Turkey, October 7, 1989, Minutes*. October 7, 1989. Philip Morris Companies Inc. 2023314409–4420. www.pmdocs.com. UQ 33630.

14. *Minutes of the CORESTA Board Meeting, Rome*. October 27, 1989. R. J. Reynolds Company. 507973462–3465 at 3464. www.rjrtdocs.com. UQ 33631.

15. *Agro–Chemicals Advisory Group Meeting. Hartwell House, Aylesbury*. November 20, 1989. Philip Morris Companies Inc. 2028473955–3958 at 3956. www.pmdocs.com. UQ 33632.

16. *Agro–Chemicals Advisory Group Meeting. Hartwell House, Aylesbury*. November 20, 1989. Philip Morris Companies Inc. 2028473955–3958 at 3957. www.pmdocs.com. UQ 33632.

17. *Report of Agro–Chemicals Advisory Group to CORESTA Scientific Commission*. May 17, 1990. Philip Morris Companies Inc. 2028461865–1868 at 1866. www.pmdocs.com. UQ 33430.

18. *Report of Agro–Chemicals Advisory Group to CORESTA Scientific Commission*. May 17, 1990. Philip Morris Companies Inc. 2028461865–1868 at 1867. www.pmdocs.com. UQ 33430.

19. *CORESTA Meeting of the Board*. June 8, 1990. Philip Morris Companies Inc. 2028438887–8891 at 8889. www.pmdocs.com. UQ 33431.

20. *EBDC Background Document*. September 18, 1990. Philip Morris Companies Inc. 2022198604–8642 at 8606. www.pmdocs.com. UQ 33633.

21. *Agro–Chemicals Advisory Group Meeting. Hartwell House, Aylesbury*. November 20, 1989. Philip Morris Companies Inc. 2028473955–3958 at 3956. www.pmdocs.com. UQ 33632.

22. Vettorazzi G. *Biosketch: Gaston Vettorazzi, M.D., B.A. M.S. Ph.D. ATS (Fellow).* Obtained from International Toxicology Information Centre, San Sebastian, Spain.

23. Interview with Gaston Vettorazzi, April 14, 2000.

24. Interview with Gaston Vettorazzi, April 14, 2000.

25. In handwritten edit by Layten Davis, the word “influencing” is stricken.

    Agro–chemicals Advisory Group Meeting, Graylyn Conference Center. February 11, 1990. R.J. Reynolds Tobacco Company. 507960776–0779 at 0777. www.rjrtdocs.com. UQ 33448.

26. *Agro–chemicals Advisory Group Meeting. La Flambee, Bergerac, France—Draft*. April 10, 1990. R.J. Reynolds Tobacco Company. 507960836–0839 at 0836. www.rjrtdocs.com. UQ 33469.

27. *Agro–chemicals Advisory Group Meeting. La Flambee, Bergerac, France—Draft.* April 10, 1990. R.J. Reynolds Tobacco Company.

507960836–0839 at 0836. www.rjrtdocs.com. UQ 33469.

28. Papenfus H. *[Letter to Gaston Vettorazzi].* April 20, 1990. Reynolds Tobacco Company. 507960768. www.rjrtdocs.com. UQ 33480.

29. Vettorazzi G. *[Letter to Henri Papenfus].* May 21, 1990. Philip Morris Companies Inc. 2028391386–1388 at 1386. www.pmdocs.com. UQ 33491.

30. *[Untitled].* June 12, 1990. Philip Morris Companies Inc. 2025591729_1730 at 1730. www.pmdocs.com. UQ 33380.

    The author is likely Andres Beuchat, because the author says his job was to inform Vettorazzi, and Beuchat was the ACAC member who did so.

31. Beuchat A. *[Letter to Gaston Vettorazzi.]* June 20, 1990. R.J. Reynolds Tobacco Company. 511084719–4720 at 4719. www.rjrtdocs.com. UQ 33402.

32. Vettorazzi G. *[Letter to Andres Beuchat].* June 28, 1990. R.J. Reynolds Tobacco Company. 511084721–4722 at 511084722. www.rjrtdocs.com. UQ 33403.

33. *Minutes of the Scientific Commission Meetings held at Kallithea on Sunday October 7th and Tuesday October 9th, 1990*. October 9, 1990. R.J. Reynolds Tobacco Company. 507973420–3424 at 3420. www.rjrtdocs.com. UQ 33410.

34. Vettorazzi G. *[Letter to Helmut Reif].* November 16, 1990. R.J. Reynolds Tobacco Company. 511084990–4994 at 4993. www.rjrtdocs.com. UQ 33412.

35. Interview with Gaston Vettorazzi, April 14, 2000.

36. Vettorazzi's contract also called for evaluations of a group of pesticides, also dithiocarbamates, that are cousins to the EBDCs. These include ferbam, ziram and thiram. For the thiram review, Vettorazzi reported to CORESTA that he obtained a draft of an IARC review "in confidential form."

    Vettorazzi G. *[Letter to Helmut Reif].* December 19, 1990. Philip Morris Companies Inc. 2028391366–1367 at 1366. www.pmdocs.com. UQ 33418.

37. Vettorazzi G. *[Letter to Francois Jacob].* February 14, 1991. Philip Morris Companies Inc. 2028391362. www.pmdocs.com. UQ 33424.

38. *CORESTA Agro–chemical Advisory Committee meeting on May 6, 1991, in Neuchatel*. May 21, 1991. R.J. Reynolds Tobacco Company. 509397119–7121 at 7120. www.rjrtdocs.com. UQ 33429.

39. Vettorazzi G. *[Letter to Helmut Reif]*. Philip Morris Companies Inc. 2028473375–3381 at 3376. www.pmdocs.com. UQ 33394.

40. Vettorazzi G. *New Toxicology and Biological Data on ETU.* November 1, 1991est. R.J. Reynolds Company. 510145932–6170. www.rjrtdocs.com. UQ 33447.

41. Reif H. *ACAC group comments made to 'New Toxicological and Biological Data on ETU' by G. Vettorazzi*. November 3, 1991. Philip Morris Companies Inc. 2028391124. www.pmdocs.com. UQ 33450.

42. Reif H. *ACAC group comments made to 'New Toxicological and Biological Data on ETU' by G. Vettorazzi*. November 3, 1991. Philip Morris Companies Inc. 2028391124. www.pmdocs.com. UQ 33450.

43. Vettorazzi G. *New Toxicology and Biological Data on ETU*. November 30, 1991est. Philip Morris Companies Inc. 2050212987–3006. www.pmdocs.com. UQ 33449.

44 . Vettorazzi G. *Summary statement*. Sent to Thomas Zeltner on May 3, 2000.

45. Vettorazzi G. *New Toxicology and Biological Data on ETU*. November 1, 1991est. R.J. Reynolds Company. 510145932–6170 at 5948. www.rjrtdocs.com. UQ 33447.

46. Vettorazzi G. *New Toxicology and Biological Data on ETU*. November 1, 1991est. R.J. Reynolds Company. 510145932–6170 at 5947. www.rjrtdocs.com. UQ 33447.

47. Vettorazzi G. *New Toxicology and Biological Data on ETU*. November 1, 1991est. R.J. Reynolds Company. 510145932–6170 at 5947. www.rjrtdocs.com. UQ 33447.

48. International Programme on Chemical Safety. *Dithiocarbamate Pesticides, Ethylenethiourea, and Propylenethiourea: A General*

Introduction. Environmental Health Criteria 78. Geneva: World Health Organization, 1988, 96.

49. International Programme on Chemical Safety. *Dithiocarbamate Pesticides, Ethylenethiourea, and Propylenethiourea: A General Introduction.* Environmental Health Criteria 78. Geneva: World Health Organization, 1988, 96.

50. International Programme on Chemical Safety. *Dithiocarbamate Pesticides, Ethylenethiourea, and Propylenethiourea: A General Introduction.* Environmental Health Criteria 78. Geneva: World Health Organization, 1988, 98.

51. Vettorazzi G. *Executive Summary, ETU.* 1991est. Philip Morris Companies Inc. 2050212885–2888 at 2050212888. www.pmdocs.com UQ 33635.

52. Vettorazzi G. *New Toxicology and Biological Data on ETU.* November 30, 1991est. Philip Morris Companies Inc. 2050212987–3006 at 3002. www.pmdocs.com. UQ 33449.

53. Vettorazzi G. *New Toxicology and Biological Data on ETU.* November 30, 1991est. Philip Morris Companies Inc. 2050212987–3006 at 3000–3002. www.pmdocs.com. UQ 33449

54. Vettorazzi attached data on pituitary and liver tumors from the NTP study in an appendix, but did not include it in his "summaries of new information" or "overall assessment."

    Vettorazzi G. *New Toxicology and Biological Data on ETU.* November 1, 1991est. R.J. Reynolds Company. 510145932–6170. www.rjrtdocs.com. UQ 33447

55. Chhabra RS, Eustis S, Haseman JK, Kurtz PJ, Carlton BD. Comparative carcinogenicity of ethylene thiourea with or without perinatal exposure in rats and mice. *Fundamental and Applied Toxicology* 1992; 18:405–417.

56. By contrast, EPA had expressly concluded that there was no compelling evidence for a hormonal cause of liver cancer. (US Environmental Protection Agency. Ethylene Bisdithiocarbamates; Notice of Preliminary Determination to Cancel Certain Registrations, Notice of Availability of Technical Support Document and Draft Notice of Intent to Cancel. *Federal Register* 1989;54: 52158, 31.)

57. Vettorazzi G. *New Toxicology and Biological Data on ETU.* November 30, 1991est. Philip Morris Companies Inc. 2050212987–3006 at 3002. www.pmdocs.com. UQ 33449.

58. Chhabra RS, Eustis S, Haseman JK, Kurtz PJ, Carlton BD. Comparative carcinogenicity of ethylene thiourea with or without perinatal exposure in rats and mice. *Fundamental and Applied Toxicology* 1992; 18:405–417.

59. Vettorazzi G. *[Letter to Helmut Reif].* February 14, 1991. Philip Morris Companies Inc. 2028391363. www.pmdocs.com. UQ 33392.

60. Reif H. *[Letter to Gaston Vettorazzi].* May 23, 1991.Philip Morris Companies Inc. 2028473372. www.pmdocs.com. UQ 33434.

61. Vettorazzi G. *[Letter to Francois Jacob].* June 26, 1991. Philip Morris Companies Inc. 2028391320–1321 at 1320. www.pmdocs.com. UQ 33439.

62. Mueller L. *Vettorazzi Reports on Dithiocarbamate pesticides*. January 20, 1992. R.J. Reynolds Tobacco Company. 50797325. www.rjrtdocs.com. UQ 33456.

63. *Minutes of the Extraordinary CORESTA Board Meeting Held in Paris*. January 16, 1992. Philip Morris Companies Inc. 2028427174–7181 at 7179. www.pmdocs.com. UQ 33453.

64. Under the Agreements on the Application of Sanitary and Phytosanitary Measures and Technical Barriers to Trade, effective 1995, maximum residue limits for pesticides on food by the Codex Commission are automatically included in international trade law. A country that imposes more strict standards could theoretically have to justify those standards in world court.

65. Mueller L. *Vettorazzi Reports on Dithiocarbamate pesticides*. January 20, 1992. R.J. Reynolds Tobacco Company. 50797325. www.rjrtdocs.com. UQ 33456.

66. *Minutes of the Extraordinary CORESTA Board Meeting Held in Paris*. January 16, 1992. Philip Morris Companies Inc. 2028427174–7181 at 7179. www.pmdocs.com. UQ 33453.

67. Reif H. *Continuation of the Vettorazzi Project.* March 25, 1992. Philip Morris Companies Inc. 2025594741–4743 at 4742. www.pmdocs.com. UQ 33466.

68. *Minutes of the Extraordinary CORESTA Board Meeting Held in Paris*. January 16, 1992. Philip

Morris Companies Inc. 2028427174–7181 at 7179. www.pmdocs.com. UQ 33453.

69. Interview with John Herrman, April 19, 2000.

Interview with Gaston Vettorazzi, April 14, 2000.

70. Interview with John Herrman, April 19, 2000.

71. Interview with Gaston Vettorazzi, April 14, 2000.

72. *CORESTA Agro–chemicals Advisory Committee Meeting on March 18, 1992 in Bordeaux, France*. March 18, 1992. R.J. Reynolds Tobacco Company. 511055258–5260 at 5259. www.rjrtdocs.com. UQ 33465.

73. *Project Proposal No. Three (Pro–active work–assistance to the WHO–IPCS's JMPR Secretariat).* February 15, 1992est. Philip Morris Companies Inc. 2028391313. www.pmdocs.com. UQ 33461.

74. Vettorazzi G. *[Letter to Helmut Reif].* Philip Morris Companies Inc. 2028473375–3381 at 3379. www.pmdocs.com. UQ 33394.

75. Vettorazzi G. *[Letter to Helmut Reif].* June 3, 1991. Philip Morris Companies Inc. 2028473392. www.pmdocs.com. UQ 33396.

76. Herrman J. *[Letter to Gaston Vettorazzi].* May 31, 1991. Philip Morris Companies Inc. 2028391338. www.pmdocs.com. UQ 33395.

77 . Interview with John Herrman, April 19, 2000.

78. Vettorazzi G. *[Letter to Helmut Reif].* June 3, 1991. Philip Morris Companies Inc. 2028473392. www.pmdocs.com. UQ 33396.

79. Reif H. *Continuation of the Vettorazzi Project.* March 25, 1992. Philip Morris Companies Inc. 2025594741–4743 at 4742. www.pmdocs.com. UQ 33466.

80. *Minutes of the CORESTA Board Meeting held in Paris.* June 25, 1992. R.J. Reynolds Tobacco Company. 508241096–1102 at 1098. www.rjrtdocs.com. UQ 33471.

81. *Consulting Agreement*. August 3, 1992. August 3, 1992est. Philip Morris Companies Inc. 2028391289–1293 at 1291. www.pmdocs.com. UQ 33473.

82 . Interview with John Herrman, April 19, 2000.

83 . Vettorazzi G. *Summary statement*. Sent to Thomas Zeltner on May 3, 2000. Appendix.

84. Interview with Gaston Vettorazzi, April 14, 2000.

85. Herrman J. *[Letter to Gaston Vettorazzi].* May 31, 1991. Philip Morris Companies Inc. 2028391338. www.pmdocs.com. UQ 33395.

86 . Interview with Gaston Vettorazzi, April 14, 2000.

87. *Consultancy Agreement with Dr. Gaston Vettorazzi*. August 1, 1993est. Philip Morris Companies Inc. 2028391257–1259 at 1258. www.pmdocs.com. UQ 33495.

88. Interview with John Herrman, April 19, 2000.

89. According to Dr. Fenner–Crisp of US EPA, Dr. Kocialski is on leave and could not be contacted by the committee.

90. E–mail communication from John Herrman, April 25, 2000.

91. Herrman J. *[Letter to Gaston Vettorazzi].* July 29, 1993. Philip Morris Companies Inc. 2028474912. www.pmdocs.com. UQ 33401.

92. Vettorazzi G. *Quarterly Report to CORESTA*. October 1992. R.J. Reynolds Tobacco Company. 511089648–9650 at 9650. www.rjrtdocs.com. UQ 33482.

93. Vettorazzi G. *Quarterly Report to CORESTA Period: November 1992–April 1993*. June 1993est. Philip Morris Companies Inc. 2028391281–1282 at 1282. www.pmdocs.com. UQ 33393.

94. Vettorazzi G. *[Letter to Helmut Reif].* August 28, 1993. Philip Morris Companies Inc. 2028391253. www.pmdocs.com. UQ 33492.

95. Vettorazzi may have intervened at this stage during the previous year, when thiram, a chemical cousin to the EBDCs, was discussed at the 1992 JMPR meeting. He reported to CORESTA that he had been able "to carefully review the extensive working paper on thiram prepared by a WHO Temporary Adviser (Working Paper 'A') and commented upon by a committee Member (Working Paper 'B') (copies enclosed.)" According to John Herrman (interview April 19, 2000), such reports were confidential.

Vettorazzi G. *Quarterly Report to CORESTA*. October 1992. R.J. Reynolds Tobacco Company. 511089648–9650 at 9649. www.rjrtdocs.com. UQ 33482.

Vettorazzi G. *Quarterly Report to CORESTA Period: November 1992–April 1993*. June 1993est. Philip Morris Companies Inc. 2028391281–1282 at 1281. www.pmdocs.com. UQ 33393.

96. Interview with John Herrman, April 19, 2000.

97. Interview with John Herrman, April 19, 2000.

98. Interview with John Herrman, April 19, 2000.

99. Interview with Penelope Fenner–Crisp, April 20, 2000.

100. Interview with John Herrman, April 19, 2000.

101. Interview with Penelope Fenner–Crisp, April 20, 2000.

102. Interview with Gaston Vettorazzi, April 14, 2000.

103. Interview with John Herrman, April 19, 2000.

104. IPCS. *Environmental Health Criteria 104. Principles for the Toxicological Assessment of Pesticide Residues in Food*. Geneva: World Health Organization, 1990, 20.

In an interview, on April 19, 2000, John Herrman confirmed that had JMPR concluded there was no threshold for carcinogenic effects, the group would not have set an ADI for ETU.

105. Mueller L. *Vettorazzi Reports on Dithiocarbamate Pesticides*. December 1, 1991est. R.J. Reynolds Tobacco Company. 511709254–9257 at 9255. www.rjrtdocs.com. UQ 33399.

106. *Joint FAO/WHO Meeting on Pesticide Residues. Pesticide residues in food–1993. Part II: Toxicology*. Geneva: World Health Organization, 1993.

107. *Joint FAO/WHO Meeting on Pesticide Residues. Pesticide residues in food–1993. Part II: Toxicology*. Geneva: World Health Organization, 1993, p. 203.

108. E–mail communication from John Herrman, May 15, 2000.

109. The two equivocal assays were:

Mason JM, Valencia R, Zimmering S. Chemical mutagenesis testing in drosophila: VIII. Reexamination of equivocal results. *Environ. Mol. Mutagen*. 1992;19:227–234.

Woodruff RC, Mason JM, Valencia R, Zimmering S. Chemical mutagenesis testing in drosophila. V. Results of 53 coded compounds tested for the National Toxicology Program. *Environ. Mutagenesis* 1985;7:677–702.

110. IPCS. *Environmental Health Criteria 104. Principles for the Toxicological Assessment of Pesticide Residues in Food*. Geneva: World Health Organization, 1990, page 88–91.

111. Interview with Penelope Fenner–Crisp, April 20, 2000.

112. IPCS. *Environmental Health Criteria 104. Principles for the Toxicological Assessment of Pesticide Residues in Food.* Geneva: World Health Organization, 1990, page 49–50.

113 . Chhabra RS, Eustis S, Haseman JK, Kurtz PJ, Carlton BD. Comparative carcinogenicity of ethylene thiourea with or without perinatal exposure in rats and mice. *Fundamental and Applied Toxicology* 1992;18:405–417.

114. E–mail communication from John Herrman, April 25, 2000.

115. For a description of the Agreements on the Application of Sanitary and Phytosanitary Measures, see www.fao.org/ur/sps.stm.

116. *Coresta Agro–chemicals Advisory Committee. Meeting on October 3, 1993, in Budapest, Hungary*. October 3, 1993. Philip Morris Companies Inc. 2028473840–3843 at 3841. www.pmdocs.com. UQ 33493.

117. *Minutes of CORESTA Board Meeting, Held at Tabacalera's Head Office, Madrid Spain*. January 20, 1994. Philip Morris Companies Inc. 2028653913–3922 at 3913. www.pmdocs.com. UQ 33496.

118. *Minutes of the Scientific Commission Meeting, held on May 18th &19th, 1994 at the Hotel du Palais, Biarritz, France*. May 19, 1994. Philip Morris Companies Inc. 2050760774–0782 at 0780. www.pmdocs.com. UQ 33498.

119. Vettorazzi G, Almeida WF, Burin GJ, Jaeger RB, Puga FR, Rahde AF, Reyes FG, Schvartsman S. International safety assessment of pesticides: dithiocarbamate pesticides, ETU,

and PTU—a review and update. *Teratogenesis Carcinogenesis Mutagenesis*. 1995–96;15(6):313–37.

120. *Minutes of the Extraordinary CORESTA Board Meeting Held in Paris*. January 16, 1992. Philip Morris Companies Inc. 2028427174–7181 at 7179. www.pmdocs.com. UQ 33453.

121. *Project Proposal No. ONE (Publication*). February 14, 1992est. Philip Morris Companies Inc. 2028391305. www.pmdocs.com. UQ 33462.

122. *Consulting Agreement*. August 3, 1992. August 3, 1992est. Philip Morris Companies Inc. 2028391289–1293 at 1290. www.pmdocs.com. UQ 33473.

123. *Post Scriptum*. 1992est. Philip Morris Companies Inc. 2028391090. www.pmdocs.com. UQ 33640.

124. Interview with Gaston Vettorazzi, April 14, 2000.

125. Vettorazzi G. *Quarterly Report to CORESTA*. April 1993est. R.J. Reynolds Tobacco Company. 508304171–4176 at 4175. www.rjrtdocs.com. UQ 33483.

126. Vettorazzi G. *Quarterly Report to CORESTA, December 1993*. December 1, 1993est. R.J. Reynolds Tobacco Company. 511164399–4401 at 4399. www.rjrtdocs.com. UQ 33390.

127. Vettorazzi G. *International Toxicology Information Centre*. December 1, 1993est. R.J. Reynolds Tobacco Company. 511164402. www.rjrtdocs.com. UQ 33391.

128. *Minutes of Scientific Commission Meeting Held at the Randolph Hotel, Oxford, U.K. October 13, 1995*. R.J. Reynolds Tobacco Company. 518805295–5305 at 5299. www.rjrtdocs.com. UQ 33384.

129. Vettorazzi G, Almeida WF, Burin GJ, Jaeger RB, Puga FR, Rahde AF, Reyes FG, Schvartsman S. International safety assessment of pesticides: dithiocarbamate pesticides, ETU, and PTU—a review and update. *Teratogenesis Carcinogenesis Mutagenesis*. 1995–96;15(6):313–37.

130. *Conversation with Dale Hill*. May 11, 1993. Philip Morris Companies Inc. 2021514641–4642 at 4642. www.pmdocs.com. UQ 33489.

131. *Minutes of the CORESTA Board Meeting held at SEITA's Head Office, Paris, France on Thursday, June 17th, 1993*. June 17, 1993. R.J. Reynolds Inc. 508304089–4098 at 4090. www.rjrtdocs.com. UQ 33490.

132. *Consultancy Agreement with Dr. Gaston Vettorazzi, ITIC*. San Sebastian. August 1, 1993est. Philip Morris Companies Inc. 2028391257–1259. www.pmdocs.com. UQ 33495.

133. Interview with Gaston Vettorazzi, April 14, 2000.

134. Reif H. *Fax to I.T.I.C. San Sebastian. Spanish Pesticide Regulations*. July 6, 1994. Philip Morris Companies Inc. 2028473697. www.pmdocs.com. UQ 33381.

135. Vettorazzi G. *Fax to Helmut Reif— MRLs & Spanish pesticide tolerances for tobacco products.* July 11, 1994. R.J. Reynolds Tobacco Company. 511055192–5194 at 5192. www.rjrtdocs.com. UQ 33500.

136. *[Untitled].* September 5, 1996. Philip Morris Companies Inc. 2063618006–8008 at 8007. www.pmdocs.com. UQ 33385.

137. *Agreement for Independent Contractor Services between Philip Morris Europe and Vettorazzi Associates*. August 11, 1994. Philip Morris Companies Inc. 2050754955–4959. www.pmdocs.com. UQ 33382.

138. *Conversation with Dale Hill*. May 11, 1993. Philip Morris Companies Inc. 2021514641–4642 at 4642. www.pmdocs.com. UQ 33489.

139. Reif H. *Continuation of the Vettorazzi Project*. March 25, 1992. Philip Morris Companies Inc. 2025594741–4743 at 4742. www.pmdocs.com. UQ 33466.

140. Interview with Gaston Vettorazzi, April 14, 2000.

141. *Minutes of CORESTA Board Meeting, Held at Tabacalera's Head Office, Madrid Spain*. January 20, 1994. Philip Morris Companies Inc. 2028653913–3922 at 3913. www.pmdocs.com. UQ 33496.

142. Interview with John Herrman, April 19, 2000.

143. Mueller L. *Vettorazzi Reports on Dithiocarbamate pesticides*. January 20, 1992.

R.J. Reynolds Tobacco Company. 50797325. www.rjrtdocs.com. UQ 33456

144. Interview with John Herrman, April 19, 2000.

145. Interview with John Herrman, April 19, 2000.

146. Interview with Penelope Fenner–Crisp, April 20, 2000.

147. Interview with John Herrman, April 19, 2000.

148. Interview with Penelope Fenner–Crisp, April 20, 2000.

149. Declaration of Interests. Form provided by John Herrman, April 2000.

150. Interview with Penelope Fenner–Crisp, April 20, 2000.

IX. IARC ETS STUDY

A. Introduction

A multi-million dollar[1] tobacco company campaign to undermine a large-scale epidemiological study on the relationship between environmental tobacco smoke (ETS) and lung cancer has recently been documented in *The Lancet*.[2] The ETS study was conducted by the International Agency for Research on Cancer (IARC), an agency established under the auspices of WHO. The tobacco company campaign aimed to influence the results of this study and to weaken the study's impact on the global regulation of ETS. The committee of experts has reviewed the documents that describe this campaign and interviewed the IARC study coordinator.

The story of the tobacco companies' efforts to influence the IARC ETS study warrants examination for several reasons. First, the story demonstrates both tobacco companies' desire to prevent the development of new scientific information on the health consequences of ETS and their willingness to compromise the integrity of a scientific study.

Second, the story provides important information about how tobacco companies achieve their goals when attempting to influence scientific and regulatory decisionmaking. The tobacco companies used a remarkable array of tools to undermine the IARC study. Initially, industry officials attempted to terminate the study by influencing IARC's budget. When that failed, the tobacco companies recruited a large contingent of scientific consultants to gather intelligence about the study design and results and to lobby study investigators about the weaknesses of the study. Tobacco companies also financed a large number of studies by "independent" third parties intended to show that that the IARC design and analysis were flawed. The companies even attempted to influence scientific decisionmaking on a broad scale. They hoped to create and finance a scientific coalition whose objectives were to promote scientific standards that would limit the regulatory use of certain scientific methods and studies that were damaging to the industry's interests.

Third, the documents show that tobacco companies conduct their campaigns against legitimate scientific research largely in secret. The consortium of tobacco companies involved in the IARC campaign went to considerable lengths to conceal their role in the attack on the ETS study, often acting through consultants whose tobacco company ties were not revealed, or through tobacco company-created front organizations. An elaborate communications strategy developed by the tobacco companies to promote the tobacco companies' counter-research and to minimize the potential regulatory impact of the IARC study was also designed to conceal the tobacco companies' central role.

Fortunately, the tobacco companies' far-reaching efforts to influence IARC's results and methodology appear to have failed. The study was completed and a report was published in 1998.[3] A battle fought by tobacco company consultants to convince the study investigators to adjust the results of the study because of alleged misclassification bias did not succeed. However, there is evidence that industry officials obtained confidential information about the progress of the study while it was ongoing. The tobacco companies' distortion of the study results in the media likely succeeded in manipulating public opinion about the meaning of the study.

Box IX-1: IARC

The International Agency for Research on Cancer (IARC), located in Lyon, France, is an agency established under the auspices of the World Health Organization. IARC coordinates and conducts research on the causes of human cancer, the mechanisms of carcinogenesis, and develops scientific strategies for cancer control.

The Agency's regular budget comes from contributions by 18 participating states. Each Participating State has a representative on the Governing Council. (At the time of the multi-center ETS study, there were 16 participating states.) The Director-General of WHO is an *ex officio* member of the Governing Council. The present Director of IARC, P. Kleihues, was elected in January 1994.

IARC publishes a monograph series on the risk of cancer posed to humans by a variety of agents. The monographs, written by international experts, are widely regarded as authoritative, independent assessments. The evaluations are scientific, qualitative judgments about the evidence for or against carcinogenicity. No recommendation is given with regard to regulation or legislation. However, the *Monographs* are widely used by governments in considering regulatory action.

An Advisory Group, composed of outside experts, meets once every five years to provide recommendations to IARC about priorities for issuing monographs on putative carcinogens.*

* www.iarc.fr/index.html.

This case study first examines the documents that disclose the tobacco companies' elaborate plans to undermine the IARC ETS study and how those plans were implemented. The case study then analyzes the successes and failures of the tobacco company strategy and offers some recommendations aimed at preventing similar strategies from succeeding in the future.

The committee would like to acknowledge the valuable work of Elisa Ong and Stanton Glantz in bringing this story to light and in identifying an abundance of significant tobacco company documents.

B. Background

1. The IARC ETS Study

Initiated in 1988, the IARC ETS study was an international, collaborative case-control study to assess the relationship between exposure to ETS and other environmental risk factors and the risk of lung cancer in subjects who had never smoked tobacco. The study began with 11 collaborative centers in Europe, North America, and Asia and was designed to collect about 1000 cases and 2000 controls. (By the end of the study, some of the centers had dropped out and others had been added, and a total of 650 cases and 1542 controls had been collected at 12 centers in seven European countries. A parallel study was conducted in India.) Paolo Boffetta of IARC became the study coordinator 1991. A standard questionnaire on exposure to ETS was adopted for use by all the centers as well as a common basic protocol. The study investigators conducted personal interviews to collect information on exposure to occupational carcinogens, urban air pollution, background radiation and dietary habits, as well as lifelong exposure to ETS. Although IARC expected the study to be completed in 1993, data collection did

not end until 1994, and the study results were published in 1998.[4]

2. Tobacco Company Concerns

By the early 1990s, tobacco companies had become alarmed about the possibility of new European smoking restrictions that could arise out of the growing evidence about the health risks of ETS.[5] The US Environmental Protection Agency (EPA) had already issued a risk assessment in 1992 about ETS that was being used as the basis for public and workplace smoking restrictions in the US.[6] When industry officials became aware that IARC was conducting a case-controlled study on ETS and lung cancer at several centers, primarily in Europe, some members of the industry feared that the study results and publicity surrounding them

> "have the potential to be a political bombshell in Europe, akin to the EPA risk assessment report in the USA. They could be the catalyst to accelerate consumption restrictions within the EU and other markets. IARC's growing collaboration with the EPA is also likely to escalate further the trends towards smoking restrictions in America and elsewhere."[7]

A high-ranking Philip Morris official warned that "almost regardless of the statistical conclusions, the official statement of the results is likely to be used by the WHO to serve its anti-smoking agenda, and at national levels to promote smoking bans, particularly in the workplace."[8]

C. The Tobacco Companies' Strategy to Influence the Results and Impact of the IARC study

In 1993, Philip Morris launched a wide-ranging, well-funded campaign to influence or contain the negative impact of the IARC study.[9] A memo from a senior official and briefing documents show that the objectives of the campaign were to:

> "1. Delay the progress and /or release of the study.
>
> "2. Affect the wording of its conclusions and official statement of results.
>
> "3. Neutralize possible negative results of the study, particularly as a regulatory tool.
>
> "4. Counteract the potential impact of the study on governmental policy, public opinion, and actions by private employers and proprietors."[10]

Philip Morris then initiated and chaired an "industry-wide taskforce," including Philip Morris, British American Tobacco Company (BAT), R.J. Reynolds Tobacco Company (RJR), Imperial Tobacco Company, Rothmans International, and Reemtsma, to coordinate plans and resources to undermine the IARC study.[11]

From the beginning, the tobacco companies mapped out an ambitious strategy to carry out the objectives of its campaign against the IARC study.[12] Over the next several months, the strategy crystallized, and tobacco company documents identify the following specific goals:

1. Cancel, Delay, or Preempt the Study.

The tobacco companies hoped to cancel or delay the study by influencing IARC's priorities and budget,[13] through IARC's donor countries.[14] A Philip Morris strategy document proposed to:

> "Identify key national Government influence points within the 16 IARC donor countries; establish the feasibility for generating pressure for reorientation/reprioritization of IARC priorities/budget allocations."[15]

The tobacco companies also hoped to influence the study through IARC's new director, P. Kleihues.[16] As an alternative, industry officials also considered the possibility of seeking a "preemptive" study or asking for an IARC risk assessment with formal industry participation.[17]

2. Establish Contacts with the Scientists Carrying Out the Studies.

The tobacco companies planned to establish contacts with the IARC investigators and collaborators, and with the IARC director, primarily through outside scientists and other third parties.[18] These contacts were to be used to: (1) gather "intelligence on the study, its review process, and the process for deciding its final conclusions;"[19] (2) assess the predisposition of investigators about ETS;[20] (3) convince study investigators of the weaknesses of the IARC study;[21] (4) "determine the feasibility of communicating a critical point of view to the IARC study coordinator, and to the country researchers at the preliminary results stage;"[22] and, ultimately, (5) achieve "the objective of no report or a report which draws mild conclusions from its data."[23]

3. Conduct and Promote Counter Research.

The tobacco companies planned an ambitious series of studies, literature reviews and scientific conferences, to be conducted largely by front organizations or consultants, to demonstrate the weaknesses of the IARC study and of epidemiology, to challenge ETS toxicity, and to offer alternatives to smoking restrictions.[24] Industry officials were confident that studies on exposure to ETS, confounders, and misclassification could be used "to undermine the validity of even the best epidemiological studies."[25] These studies were designed to show that exposure to ETS was much lower than expected, that lung cancer rates in those exposed to ETS were due to confounding factors, and that misclassification errors were high.

Although some of the studies and reviews planned by the tobacco companies may have been legitimate explorations of potential flaws in the IARC study, others may have had the preconceived goal of proving ETS generally safe. A report to Philip Morris from Peter Lee, a tobacco company consultant,[26] suggested that it would be useful to publish papers that emphasize the role of factors other than ETS in the development of cancer. Citing two published papers on the relationship of dietary fat and vegetable consumption to cancer, which Lee acknowledged were flawed, Lee suggested using them to create

the appearance that ETS was at best only a minor cause of cancer:

> "Though both studies may show atypically high relationships, due to sampling error and possible biases of various sorts, it certainly suggests that one could produce a paper which makes ETS seem, at least, only a relatively minor cause."[27]

The tobacco company-funded studies were to be published and "marketed" through third parties.[28] The plans to promote these studies were designed to ensure that these studies would be highly visible to governments, to the scientific community, and to the media. A strategy document lays out the following blueprint for ensuring visibility:

"**Promoting the Research**

"For each study and investigator:

- Prior to publication invite investigators to address gov't, media and scientific professional associations relying on work-in-progress
- Offer pre-publication exclusive to key journalist
- Press release upon publication by journal or university/institution
- Interviews for investigators with selected media
- Letters to the editor in peer review journals
- Op eds [editorials] and feature articles by independent scientists premised on findings
- Highlight in CIAR newsletter distributed globally
- Commitment to present findings publicly."[Emphasis in original.][29]

The tobacco company-financed studies, literature reviews, and conferences were to be used to "confront and impress the PI's [Principal Investigators] in Lyon by better and more detailed studies on the topics of exposure and confounders,"[30] support criticism of the methodology of the IARC study in the scientific and lay media,[31] provide the basis for lobbying national governments,[32] and provide IARC with data that it would have to address in its expected monograph.[33] (See Box IX-1.)

4. Promote Scientific Standards That Would Limit the Use of Epidemiology as a Basis for Public Policy.

As part of a broad "communications strategy," industry officials planned two projects that would enlist the scientific community in the tobacco companies' goal of casting doubt on the IARC study. Both projects were designed to use outside scientists to criticize "bad science" as the basis for regulatory actions that could restrict smoking. First, the industry officials planned to work for the development of "Good Epidemiological Practices" (GEPs). GEPs were to be international standards for the design and conduct of epidemiological studies that would be used to prevent governments from relying on epidemiological studies that did not meet the standards.[34] The first use of GEPs would be to "challenge [the] methodology of [the] IARC multicenter study [and the] IARC monograph review."[35] The tobacco companies hoped to incorporate in the GEPs the rule that relative risks less than 2.0 would be ignored; such a standard would

discount virtually all of the widely accepted research linking ETS exposure to lung cancer.[36]

To assist in the adoption of GEPs, and to assist the tobacco companies more broadly in challenging the IARC study and preventing the adoption of tobacco control policies, industry officials planned to create a European "sound science coalition."[37] The coalition would be composed of scientists and policy makers who would be used to develop GEP's and to challenge the use of certain kinds of scientific evidence when used to support policymaking.[38] Like The Advancement of Sound Science Coalition (TASSC) created by Philip Morris and a public relations firm in the US, the European group would appear to be independent but would be initiated and funded by the tobacco industry and by other industries.[39]

5. Media and Government Strategy to Manipulate the Public and Regulatory Response to the Study Results.

Fearing that they would not be able to substantially influence the outcome of the IARC study, industry officials developed an elaborate strategy to minimize the adverse impact of the study on policymakers, once it was published.[40] The head of Philip Morris' IARC campaign wrote:

> "Key elements to the plan include a coordinated media plan including briefing of key journalists prior to the study's publication, training of spokespersons in the companies and NMAs, set up of a crisis communications team when the study is expected to be released and the identification and briefing of regulatory agencies which are expected to act based on the IARC findings."[41]

Philip Morris hired the public relations firm Burson-Marsteller "to create a context to mitigate a worst case scenario, such that IARC results are not 'used' to accelerate consumption restrictions."[42] The targets for the campaign were the media, scientists, opinion leaders and regulatory bodies and policy-makers, and allies.[43] The Burson-Marsteller strategy documents include plans to brief the media and lobby regulators, and reveal the public relations firm's involvement in contacting the IARC investigators and planning counter research.[44] As with the other elements of the tobacco companies' strategy, the communications strategy involved some use of third parties to conceal the companies' role. For example, Burson-Marsteller's strategy for informing the media about ETS included the following plans:

> "- Create seminar by 'worried scientists' on politicalisation of science in the media and hysterical legislation of low level risks.
>
> ". . .- [M]otivate third parties to speak to the media on specific issues (eg. Human Resources Manager on accommodation programme in his company . . ."[45]

The tobacco companies, with Burson-Marsteller's help, also created a special communications task force to carry out its plan.[46]

a) Cancel or Influence the Expected Monograph.

The tobacco companies appeared to be convinced that IARC would issue a monograph on the carcinogenicity of ETS after publication of the study results.[47] Industry officials therefore initiated attempts to redirect IARC's resources to other monograph topics, or, failing that, to influence the content of the monograph.[48] A tobacco company briefing document

describes the following avenues for shaping or canceling the monograph:

- "Sponsor original research on confounders and exposure to contribute to the debate on the study and monograph and lobby on the science
- "Encourage balanced composition of monograph working group
- "Seek 'observer' status on working group
- "Encourage re-evaluation of IARC monograph priorities based on funding and competing interests."[49]

D. Implementation of the Tobacco Company Strategy

From 1993 through the release of the IARC study report in 1998, the tobacco companies implemented their plans to influence the conduct of the study and the interpretation of its results. Contacts were made with IARC investigators. The tobacco companies commissioned studies and held conferences designed to cast doubt on ETS's toxicity and on the methods used in the IARC study. In many instances, the tobacco companies appear to have successfully concealed their role in contacting IARC investigators and in their funding and marketing of counter research. The tobacco companies worked to form an ostensibly independent sound science coalition that would assist the industry's legislative agenda by challenging the use of certain types of studies as the basis for policy making. Finally, the tobacco companies developed and carried out an elaborate media and government strategy for minimizing the adverse impact of the IARC study, once it was released.

1. Cancel, Delay, or Preempt the Study.

The tobacco companies' plans to cancel the IARC ETS study or monograph by influencing IARC's budget or its new director, Kleihues, were abandoned early as infeasible. After identifying IARC's sources of funds, industry officials determined that the "[p]ossibility for influence [is] . . . extremely limited."[50] The tobacco companies also initially hoped that they would have a "window of opportunity" with IARC's new director because he would be dealing with a "strangled budget."[51] Industry officials learned, however, that Kleihues was a "fervent anti-smoker"[52] and apparently made no further efforts to influence the study through him.

2. Establish Contacts with the Scientists Carrying Out the Studies.

In 1993 and 1994, the tobacco companies established contacts with many of the scientists working on the IARC study,[53] including the study coordinator.[54] One document lists established or planned contacts with investigators in five of the eight participating countries.[55]

a) Use of Outside Scientists

With some exceptions,[56] the tobacco companies did not contact the IARC investigators directly. Instead, the tobacco companies arranged to have contacts made through outside scientists acting as tobacco company consultants:[57]

> "We are using S&T [Science and Technology, Philip Morris, Neuchatel] and C&B [Covington and Burling]/SHB

[Shook, Hardy & Bacon] scientific consultants to contact the scientists that are conducting the 11 epidemiological studies in the 8 countries as well as to contact the IARC team in Lyon."[58]

The documents suggest that the tobacco company affiliation of the consultants who contacted the IARC investigators was frequently concealed. According to a Philip Morris memo, "half the Western World (or at least the portion employed by PM) have [sic] *moles* engaged in efforts to track timeframe etc."[59] [Emphasis added.]

One tobacco company consultant, Giuseppe Lojacono,[60] who provided a great deal of information about the IARC study to Philip Morris, was known to IARC investigators only as a colleague and a former professor of public health.[61] Lojacono's tobacco company ties may have been generally kept secret,[62] and were not known to the IARC investigators.[63] Boffetta says that the IARC investigators were completely surprised when they learned from the release of tobacco company documents that Lojacono worked for the industry.[64]

Industry officials also obtained intelligence about the IARC study from John Wahren, a scientist at the Karolinska Institute in Sweden. Wahren had conversations about the progress of the IARC study with Göran Pershagen, an IARC investigator who happened to be Wahren's "neighbor" at the same institution. Wahren, who was a tobacco company consultant,[65] then reported to Philip Morris on the information he obtained.[66] It is unclear whether Pershagen was aware of Wahren's tobacco company ties.

Some of the intelligence reports to the tobacco companies are secretive even about the names of the companies' consultants. One letter from SCR Associati, an Italian consulting firm used by Philip Morris to gather intelligence about the study, begins, "Our friend has collected some information on the IARC studies to answer you[r] questions of November 10."[67] The "friend" is never named. Another Philip Morris document identifies a source of information about the study only as "my contact in Barcelona, Spain."[68] The tobacco companies' desire to hide their role may also be seen in their use of the Center for Indoor Air Research (CIAR), an ostensibly independent scientific organization actually created by US tobacco companies (and later disbanded under the terms of the 1999 Settlement Agreement between the US Attorneys General and tobacco companies), to contact IARC investigators.[69] Boffetta reports that IARC received two visits from Max Eisenberg of CIAR. On the first visit, Eisenberg did not reveal CIAR's tobacco company funding. By the second (and final) visit, the IARC investigators were suspicious that Eisenberg had tobacco company ties.[70]

In other cases, however, the IARC investigators were aware of their contacts' tobacco company affiliations.[71] According to Paolo Boffetta, the IARC investigators knew that Angelo Cerioli, an Italian consultant who contacted Boffetta and several other investigators repeatedly, was affiliated with members of the industry.[72] IARC investigators were also aware that Peter Lee, who visited IARC in 1993, was a tobacco company consultant.[73]

b) Objectives of the Contacts

The tobacco companies had several purposes in establishing relationships with the IARC investigators. One document lists the following "objectives" in making these contacts:

> "1. To ascertain a range of information on the study objectives, status, parameters, predisposition of IARC team/collaborators, timing, likely results etc.
>
> "2. To brief the country collaborators and the IARC team on the tobacco company perspective on ETS and to make them mindful of the weaknesses of epidemiology that rely [sic] on survey questionnaires. We recognize that there is down side [sic] to this in that our input could help them improve the quality of the study. However, it is considered that the benefits outweigh the risks if the collaborators can be persuaded that the IARC methodology is inadequate (it does not take into account confounders or measure actual exposure leading to misclassification)."[74]

This document shows that the purpose of bringing the weaknesses of the study to the investigators' was not to improve the quality of the study, but to convince the investigators that the study was fatally flawed.

One of the main arguments urged by the tobacco companies through their contacts with IARC investigators and through published papers was that IARC should adjust the results of the study to account for a high rate of misclassification of study subjects. Specifically, they argued that many of those who report themselves to be non-smokers actually had smoked earlier in their lives. Without adequate measures to validate exposure, IARC might attribute to ETS the adverse consequences of smoking.[75] The consultants urged that the analysis of the IARC data adjust for this misclassification, which would have the effect of lowering the relative risk associated with nonsmoker exposure to ETS.[76]

The tobacco companies also used their contacts with the IARC investigators to offer them research and other employment opportunities with CIAR, a tobacco company front organization (see below).

c) Information Gathered About the Design and Conduct of the Study and Preliminary Study Results.

The tobacco companies were successful in gaining a large amount of information about the design and conduct of the study through their contacts with IARC investigators. Perhaps more importantly, they were able to gain some information about preliminary study results and about how the study was likely to be interpreted.

IARC has no written policies concerning the types of information that should or should not be disclosed outside the group of study collaborators. According to Paolo Boffetta, ETS study coordinator, it was informally understood at IARC and among the collaborators that general information about the design of the study and the methods that would be used to collect data were disclosable. For example, information about the number of cases collected and the expected timeline for study was already made public through the publication of IARC's Biennial Reports. On the other hand, according to Boffetta, preliminary study results and certain methodological issues or problems that needed to be addressed before completion of the study were not intended to be disclosed.[77] In addition, the study questionnaire was intended to be kept confidential.[78]

(1) Information About the Design and Conduct of the Study.

The tobacco companies' contacts with IARC investigators produced a wealth of

information on the design of the study, the methods used in collecting and validating data, the confounders being considered at each site, how data collection was progressing at individual centers, when meetings among investigators were scheduled, when data were scheduled to be shared among the study investigators, and the expected timing of data assessment and report publication.[79] Boffetta believes that all of this information was appropriately disclosed.

There is some question about whether the tobacco companies also obtained a copy of the questionnaire used in the study, which, as noted above, was intended to be kept confidential. Several documents suggest that the tobacco companies did obtain the questionnaire.[80] Boffetta states that the tobacco companies may have obtained a copy of a questionnaire from an earlier study, from which the final questionnaire was adapted.[81] It seems quite possible, however, that the tobacco companies did in fact obtain the final questionnaire. One 1994 Philip Morris document states that the "core ETS questionnaire is now available – confirmed by 3 independent sources."[82]

(2) Information About Preliminary Results

Through their contacts, the tobacco companies were able to obtain some preliminary information on the results of the study, well before the results were made public. According to one document, this was the main goal of the intelligence gathering operation.[83]

The documents reveal several occasions on which industry officials were able to gain information about preliminary results of the study that were not already public.

An anonymous report of a meeting of IARC investigators provided to Philip Morris by SCR Associati, and apparently written in 1993, included partial preliminary results from the IARC study:

> "The Italian group operating in the centres of Turin, Venice M. Dolo, Padua, Rovigo should come to the conclusion that the RR [relative risk] caused by ETS exposure does not exceed 1.35 . . ."[84]

In July of 1993, Philip Morris received a report on preliminary results from one of its consultants:

> "I received some news on the same topic from John Wahren who is, so to say, a neighbour to Pershagen . . .On a preliminary basis, the results indicate a 20%-30% risk increase for the exposed non-smoker . . ."[85]

A report from Lojacono in 1994 also contained preliminary results:

> "The study giving till now the highest RR [relative risk] of lung cancer from exposure to ETS is the Portuguese study, which also includes the highest number of subjects (over 100). The RR seems to be close to 2.2 (temporary datum)."[86]

Philip Morris may also have obtained early results from the director of a WHO collaborative center in the Netherlands in 1995. A Philip Morris memo reports that Kees Van der Heijden agreed to dine with two Philip Morris employees, permitted one of them to write a speech for him, and then provided them with information about an ETS study:

> "During the meeting he gave me some documents which I think are of interest to you. Please find attached a draft WHO

report on ETS. It is still a draft but it allows us to be prepared. . . As you can see this report is bad news for us."[87]

The committee of experts has not contacted Van der Heijden about these claims.

A 1995 BAT document reports, without attribution, that preliminary results from the study show a "relative risk of approx. 1.3."[88]

In January of 1997, Angelo Cerioli reported to Helmut Reif of Philip Morris that he had received information, needing verification, on the relative risk of the study:

> "4) it seems that the pooled R.R. from these studies will be of the order 1.2 to 1.5
>
> "5) the highest R.R. (not precised [sic]) has been obtained by the german study."[89]

The figure on the German study appears to have been incorrect. (The highest relative risk was obtained in the Portuguese study.[90]) Boffetta suggested that the pooled relative risk might have come from information made public by IARC in its Biennial Report. Information on the pooled relative risk for the study was not published, however, until April of 1997.[91]

(3) Information About How the Data Would Be Analyzed

The documents also contain reports on how the investigators viewed certain problems in the analysis of the data. Discussions with the study investigators about the interpretation of results had three apparent purposes: (1) to find out how IARC was likely to analyze and report the data from the study, and prepare attacks on any identified weaknesses;[92] (2) to lobby the investigators about the epidemiological weaknesses of the study;[93] and (3) to convince the investigators of the need for statistical adjustments that would lower the calculated relative risk for the study.[94]

The documents contain a number of reports indicating that IARC investigators had revealing discussions with industry representatives or consultants about methodological issues raised by the data. In some cases, the industry representatives appear to have used the discussions to attempt to influence the investigators views of the data. According to Paolo Boffetta, however, many of these reports appear to have been exaggerated or even fabricated.[95] For example, one document purports to describe a meeting of IARC investigators, including Boffetta, on May 5, 1994 in Geneva.[96] According to Boffetta, such a meeting never took place.[97]

Helmut Reif, Philip Morris scientist, reported on a wide-ranging conversation with two Italian investigators, Saracci and Riboli, in July of 1993. According to Reif, the two investigators provided him with information about the problems they perceived in interpreting the study results. Saracci also agreed to send Reif unpublished preliminary results, if available:

> "Both gentlemen expressed severe doubts about the meaningfulness of RR's below 2.0 as there was litterally [sic] neither any independent back-up nor validation for the results of a questionnaire. Cotinine analyses, even done for all the probands of the IARC study (in fact done only for a part) would only reveal possible hidden smoking habits for the last weeks. Even longer-lasting exposure markers (hemoglobin adducts or hair analysis) do not go back for those 20-30 years the disease under question needs to develop. Saracci found that the future will be in DNA

adducts, although he conceded that even there problems are lur[k]ing.

> "Saracci promised me to sent me [sic] "whatever he could send", i.e. possible [sic] the latest version of the questionnaire . . . or some available, unpublished partial results of the ongoing study. I even invited him to Neuchatel, which he laughingly accepted. However, as he laughs often and loudly, this would not mean very much."[98]

Boffetta states that Saracci did not offer to send either the questionnaire or partial study results, although he does recall the invitation to Philip Morris' research facility at Neuchatel.[99] Boffetta also questions the assertion that the IARC investigators expressed doubts about relative risks less than 2.0, because the IARC ETS study was designed from the beginning with the expectation that the relative risk would be less than 2.0. Another document suggests that some of the IARC investigators accepted an invitation to visit Neuchatel.[100] Boffetta states that such a visit would have been inappropriate, but that, in fact, the visit did not occur.

Lojacono reported that he held a "private" discussion with Saracci on IARC's approach to ETS epidemiology.[101] The committee of experts has no evidence that Saracci provided confidential information to Lojacono. At least one document suggests that Lojacono also obtained internal IARC documents that were not publicly available.[102] It is unclear from whom Lojacono received the confidential information.

In December 1993, Peter Lee wrote "I invited myself to IARC mainly to discuss their ongoing lung cancer/ETS multicentre case-control study and to compare views on the evidence relating to ETS."[103] In a four-hour discussion with Boffetta and Saracci from IARC, and Tredaniel and Benhamou, study collaborators, Lee obtained their views on a range of issues related to the analysis of the study results, including

- which markers for exposure to ETS they considered most reliable.
- the importance of presenting results by histological type.
- whether there was publication bias in ETS research.
- whether there was a dose-response relationship between ETS and cancer.
- the effect of study weaknesses (e.g., how exposure was measured) on the calculation of relative risk.
- the likelihood that confounders, such as diet, and misclassification of smoking habits could bias results.[104]

Lee also took the opportunity to share his views on ETS and ETS research:

> "I had previously sent to PB [Paolo Boffetta] a number of copies of my presentation on ETS in Tokyo, published as a book by Karger. I also took my slides from the talk and went through them as a focal point for discussion. Most of the comments made were by PB and RS [Rodolfo Saracci]. There was no animosity, discussion being purely on a scientific basis . . ."[105]

Later, in one of several attempts to convince the IARC investigators that the study might overstate the relative risk, Lee reported to Philip Morris:

"I pointed out that studies with apparent design weaknesses tended to produce markedly higher relative risks than those that did not. PB and SB, while accepting that there was an element of validity to this argument, noted that some weaknesses were potentially more serious than others. It may be useful to do further work here isolating weaknesses according to importance." [106] [Emphasis in original.]

In April 1998, after the overall results of the study had been made public in IARC's Biennial Report, but before the full results were published, Cerioli reported to Reif that Simonato, one of the Italian investigators had sent to Cerioli:

"some material concerning the IARC study on lung cancer and ETS exposure and expressed his view on the outcome of the results of this study, attached.

"Confidentially he told me IARC had certainly hoped to have more convincing results on a possible association between ETS exposure and lung cancer, in other terms they expected to reach "the final solution" of this problem and, on the contrary, based on the outcome of this study they fear the tobacco industry will aggressively exploit them."[107]

Boffetta believes that this is merely Cerioli's interpretation of the conversation and not an accurate description of what Simonato said. Boffetta stated, however, that if such conversation had occurred it would have been inappropriate.[108]

In addition to holding discussions with IARC investigators on their views related to the interpretation and analysis of study results, the tobacco companies also conducted research on IARC investigators' published views on ETS and the methodology for measuring its risks.[109] This research appears to have been intended to help the tobacco companies predict how the investigators would analyze their data, to detect "bias,"[110] and, where possible, to undermine the study by identifying previous IARC positions that were inconsistent with analysis of the ETS study. For example, when early reports of the results were made public, and BAT issued a press release, BAT cited an earlier IARC paper which, according to BAT, included the statement that "Relative risks of less than 2.0 may . . . reflect some unperceived bias or confounding factor."[111]

All of this information about the study allowed the tobacco companies to (1) identify study weaknesses;[112] (2) lobby those involved in the study to convince them of study weaknesses;[113] and (3) design and generate additional studies whose purpose was to demonstrate the inadequacies of the IARC study;[114] or to advocate the need for statistical adjustments in the study results.[115]

(4) Funding for Future Studies or Employment Offered by CIAR.

CIAR attempted to involve IARC and its investigators in collaborative ventures. These ventures included studies on ETS confounders that could be used by the tobacco companies to challenge the IARC study. A tobacco company document describes several options that had been discussed with the IARC investigators:

"CIAR and IARC

"NEXT STEPS AND OPTIONS

"The following five opportunities for varying degrees of collaboration between CIAR and IARC arose during recent discussions between CIAR and

IARC (Bofetta [sic], Sarracci [sic] and Riboli).

"1. In addition to the multi-center, European ETS epidemiologic study, IARC is undertaking individual ETS studies in Thailand, India, Argentina, Uruguay and Brazil. Bofetta [sic] acknowledged a weakness in IARC's overall approach to its ETS epi[demiological] studies because they fail to account for ETS exposure specifically, although some may consider occupational exposures.

"Option: Assist IARC incorporate exposure measurements in their studies.

"2. The protocols for analyzing the multi-center study data has [sic] not yet been agreed upon. The next meeting of the principle investigators from the 10 study centers and the IARC staff is the first week of December 1994 in Lyon where they will make further/final adjustments to the protocol:

"Option: Encourage IARC to invite Dr. Matanowski [a Johns Hopkins professor who conducted a tobacco company-funded study on ETS confounders[116]] to the meeting to provide input on the final protocol.

"3. CIAR is now identifying candidates for principle investigators for the confounder (pilot and full) studies in Europe.

"Option: Select as principle investigator for the CIAR-sponsored confounder study(ies) scientists involved with the IARC multi-center study. Eisenberg is arranging an exploratory meeting with Forastiere (Italy) premised on a discussion of matters of mutual interest and a review of the results of Hazelton exposure study.

"…Given IARC's apparant [sic] long term interest in and commitment to ETS research, how can we build bridges to IARC and sustain/improve dialogue with them. Sarracci [sic] is reported to be resigning from IARC at the end of 1994. He has indicated an interest in further personal collaboration with CIAR.

"Option: Sarracci [sic] has indicated an interest in joining CIAR's Science Advisory Board while still at IARC.

"Option: Saracci has indicated interest in getting a CIAR grant to support research upon his retirement to Pizza. However, his work would probably [be] with [sic] Polenti who has strong views on the industry.

" [Handwritten] Option: Funds for a post graduate student at Lyon."[117]

In an interview, Boffetta said IARC did not pursue any proposed collaboration once he became aware of CIAR's industry connections.[118] Saracci did not join CIAR's Advisory Board or accept any grants for research, once IARC realized that CIAR was funded by members of the tobacco industry. One IARC collaborator (Forastiere) did, however, conduct a study for CIAR on confounders. Boffetta expressed disappointment in Forastiere's decision to conduct a study for CIAR, because by then, IARC understood CIAR's industry connection.

Boffetta did not believe that Forastiere's involvement in the CIAR study represented a major problem, because Forastiere had already completed his data collection for the IARC study. Boffetta acknowledged, however, that the CIAR study that Forastiere

undertook could be used by the tobacco companies to undermine the credibility of the IARC study.[119]

3. Conduct and Promote Counter Research.

The tobacco companies conducted and publicly promoted a large number of studies, conferences, and literature reviews on ETS that were designed to challenge the validity of the IARC ETS study. The tobacco company-financed activities that questioned the toxicity of ETS concluded that exposure to ETS was much lower than expected, argued that lung cancer rates in those exposed to ETS were due to confounding factors, and reported misclassification errors in epidemiological studies of ETS were high. These activities were often carried out through third parties to create the appearance that the data and opinions were independent of tobacco industry influence.[120] A 1988 BAT document describes Philip Morris' proposal for enlisting outside consultants to conduct studies and write reviews that were, in fact, to be carefully controlled by industry officials:

> "In every major international area (USA, Europe, Australia, Far East, South America, Central America & Spain) they [Philip Morris] are proposing, in key countries, to set up a team of scientists organised by one national coordinating scientist and American lawyers, to review scientific literature or carry out work on ETS to keep the controversy alive. They are spending vast sums to do so, and on the European front Covington & Burling, lawyers for the Tobacco Institute in the USA, are proposing to set up a London office from March 1988 to coordinate these activities.
>
> "…The consultants should, ideally, according to Philip Morris, be European scientists who have had no previous connection with tobacco companies and who have no previous record on the primary issue which might . . . lead to problems of attribution.
>
> "…Philip Morris then expect the group of scientists to operate within the confines of decisions taken by PM scientists to determine the general direction of research, which apparently would then be 'filtered' by lawyers to eliminate areas of sensitivity.
>
> "…Their idea is that the groups of scientists should be able to produce research or stimulate controversy in such a way that public affairs people in the relevant countries would be able to make use of, or market, the information."[121]

The tobacco companies funded a large body of scientific studies and reviews and arranged for several conferences designed to challenge the methodology and findings of the IARC study.[122] One document lists 15 studies on ETS exposure carried out in cities around the world from 1993-1997, including many of the cities in which the IARC study had study sites.[123] The methods used in these studies may have been unreliable, producing exposure levels far below what was expected.[124] Nevertheless, the data from the exposure studies were used successfully by the tobacco companies when the IARC study results were published to cast doubt on the study. The *Sunday Telegraph* cited the tobacco company-financed exposure studies as evidence that

> "Passive smokers inhale the equivalent of just six cigarettes a year from other people's smoke, according to the largest ever study of actual exposure levels of non-smokers. The figure, which

undermines previous warnings about the dangers of passive smoking, is a thousand times lower than that faced by direct smokers, and so tiny that it could not be measured statistically."[125]

The tobacco companies also planned, and appear to have financed, studies designed to show that confounders, such as diet and lifestyle, could account for lung cancer found in those exposed to ETS, calling into question the link between ETS and cancer,[126] as well as studies designed to show that misclassification rates in ETS studies are high.[127]

4. Promote Scientific Standards That Would Limit the Use of Epidemiology as a Basis for Public Policy.

Philip Morris, through APCO, a tobacco company-connected public relations firm, had created The Advancement of Sound Science Coalition (TASSC) in the US in the early 1990's. TASSC was composed of scientists, business leaders, and public officials and its purpose was to be "a credible source for reporters when questioning the validity of scientific studies"[128] that could be used "to assist Philip Morris in its targeted state and national efforts."[129] Industry representatives sought the development of a similar coalition in Europe to help criticize the IARC study and other scientific studies used to support tobacco control policies.[130] APCO recommended the following "key objectives" for the European TASSC:

"> Preempt unilateral action against industry

"> Associate anti-industry 'scientific' studies with broader questions about government research and regulations.

" > Link the tobacco issue with other more "politically correct" products.

"> Have non-industry messengers provide reasons for legislators, business executives and media to view policies drawn from unreliable scientific studies with extreme caution."[131]

According to Burson-Marsteller, which was engaged to help create the European coalition, it was essential to its success that the group be "seen as credible/not a front."[132] The tobacco companies planned to have the coalition "up and running by 1995."[133] The activities of the group would include conferences, seminars with policy makers, monographs, media seminars, and projects on specific issues.[134]

The committee of experts was unable to determine the success of this tobacco company plan. Ong and Glantz, however, report that the likely outcome of this initiative was the European Science and Environment Forum (ESEF), although ESEF claims to receive little or no tobacco industry funding.[135] ESEF issued a joint press release with TASSC in 1997 in which both organizations had identical descriptions.[136] ESEF has listed on its website at least two working papers criticizing the IARC ETS study, and the methods used in ETS epidemiological studies.[137] Lorraine Moody, ESEF's "key contact,"[138] wrote an opinion piece in the *Wall Street Journal* claiming that the IARC study showed a possibly "trivial or nonexistent" risk of lung cancer from ETS, demonstrating that the health risks of ETS are overstated.[139]

In the 1990s, industry officials performed a significant amount of work to develop and gain acceptance of GEPs that could be used to prevent use of certain types of studies, including the IARC ETS study as

the basis for legislation.[140] But the plan to use the GEP program to undermine the IARC Study was apparently terminated before it could be put into effect.[141] Some within the industry had believed from the beginning that the program, whose ostensible purpose was to improve epidemiology to make it more reliable, "could be counterproductive."[142] There were doubts that, even if adopted, the rules could be applied retroactively to studies already conducted (like the IARC ETS study), or would be enforceable.[143]

Industry officials also realized that epidemiologists would not accept a rule that relative risks less than 2.0 should be ignored.[144] Finally, there were concerns that by casting rules for epidemiological studies "in concrete," at a time when the field was still developing, the industry might be foreclosing opportunities to attack future studies based on not-yet-anticipated methodological challenges.[145]

5. Media and Government Strategy To Manipulate the Public and Regulatory Response to the Study Results.

The tobacco companies made elaborate preparations for the release of the IARC study. A joint industry task force, broken down into a management team, a scientific assessment team, and a coordination support team, developed and rehearsed a carefully orchestrated response strategy.[146] Burson-Marsteller drafted an "IARC European Response Plan" intended to "ensure that [the industry] is placed to respond effectively to and communicate with all key audiences in the period following the study results, whilst attempting to minimise restrictive practise and legislation which could stem from the IARC study."[147] In April of 1996, the tobacco companies conducted a simulation of the release of the IARC study,[148] and in September of that year, Burson-Marsteller arranged a "European Response Plan Workshop" to help industry officials prepare for the release of the study.[149] The tobacco companies' preparations assumed that they would be responding to the publication of the full report of the IARC study.

Instead, while the full report was awaiting publication in the *Journal of the National Cancer Institute*, a brief abstract of the study results was included in IARC's Biennial Report for 1996-1997, issued in April 1998.[150] The abstract reported a relative risk of 1.16 (95% CI = 0.93-1.44) that non-smoking spouses of smokers would develop lung cancer, and a relative risk of 1.17 (95% CI = 0.94-1.45) for non-smokers exposed to ETS in the workplace. IARC's reported results were consistent with the results of other ETS studies.[151] As the reported figures indicate, however, the results did not achieve statistical significance at the 95% confidence level. At the time the Biennial Report was published, no explanatory information about the study results was available from IARC or WHO. In fact, WHO's Tobacco or Health Program was not even aware of the upcoming release of the IARC ETS study.[152]

Industry officials immediately capitalized on the sketchy report, the lack of statistical significance, and the absence of additional public information from IARC or WHO about the meaning of the results. Shortly after IARC published the abstract of the results in its Biennial Report, BAT issued a press release headed "**Europe's largest ever passive smoking study has failed to establish a meaningful risk of lung cancer to non-smokers**."[153] [Emphasis in original.] The press release went on: "New scientific research from the World Health Organization has shown the risk of lung cancer from environmental tobacco smoke to be either non-existent or

too small to be measured at a meaningful level." Thus, BAT claimed that the lack of statistical significance was equivalent to a finding that there was no relationship between ETS and lung cancer. On March 8, the *Sunday Telegraph* published a story headlined, "Passive smoking doesn't cause cancer – official," and claiming that WHO was withholding the IARC study:

> "The world's leading health organisation has withheld from publication a study which shows that not only might there be no link between passive smoking and lung cancer but that it could even have a protective effect.
>
> "The astounding results are set to throw wide open the debate on passive smoking health risks. The World Health Organisation, which commissioned the 12-centre, seven-country European study has failed to make the findings public, and has instead produced only a summary of the results in an internal report.
>
> "Despite repeated approaches, nobody at the WHO headquarters in Geneva would comment on the findings last week. At its International Agency for Research on Cancer in Lyon, France, which coordinated the study, a spokesman would say only that the full report had been submitted to a science journal and no publication date had been set.
>
> "The findings are certain to be an embarrassment to the WHO, which has spent years and vast sums on anti-smoking and anti-tobacco campaigns. The study is one of the largest ever to look at the link between passive smoking - or environmental tobacco smoke (ETS) - and lung cancer, and had been eagerly awaited by medical experts and campaigning groups.
>
> "Yet the scientists have found that there was no statistical evidence that passive smoking caused lung cancer."[154]

Similar stories also ran in other newspapers in the UK, the EU, the US, Australia and Brazil.[155]

Because WHO and IARC had not communicated about the IARC study, WHO was unable to comment effectively on the early media reports.[156] On March 9, WHO issued a press release in response to the initial press BAT-driven accounts. It was entitled "Passive smoking does cause lung cancer, do not let them fool you," and attempted to clarify the meaning of the study results, and to dispel the allegation that it was withholding the study:

> "The World Health Organization (WHO) has been publicly accused of suppressing information. Its opponents say that WHO has withheld from publication its own report that was aimed at but supposedly failed to scientifically prove that there was an association between passive smoking, or environmental tobacco smoke (ETS), and a number of diseases, lung cancer in particular. *Both statements are untrue.*
>
> "…The results of this study, which have been completely misrepresented in recent news reports, are very much in line with the results of similar studies both in Europe and elsewhere: *passive smoking causes lung cancer in non-smokers. . .*" [Emphasis in original.][157]

Despite subsequent clarifying statements from IARC and WHO about the study results, as well as the publication of the full report of the study in October of 1998,[158] the misrepresentation of the study results in the BAT news release was repeated in media accounts around the world.

Industry officials have also distorted the IARC study results when addressing regulatory authorities. Philip Morris' intended testimony before the National Toxicology Program (NTP) sought to use its misrepresentation of the IARC ETS study as the basis for its argument that NTP lacked sufficient evidence to classify ETS as a carcinogen:

> "(1) The recently-released IARC European multi-center study on ETS and lung cancer demonstrates that there is no statistically significant association between exposure to ETS and lung cancer.
>
> "(2) Consequently there is insufficient human data to suggest causation.
>
> "(3) NTP's own guidelines require that the 'known human carcinogen' category be based solely on human data.
>
> "(4) Therefore, NTP cannot list ETS as a know human carcinogen."[159]

Ong and Glantz report that when the tobacco companies now approach regulatory bodies around the world, they cite the IARC study as evidence that ETS does not cause lung cancer, or that it shows an "extremely weak" association, or refer to the study as seriously flawed.[160]

6. Cancel or Influence the Expected Monograph.

Industry officials concluded that they would be unable to cancel or influence the expected monograph through IARC's donor countries.[161] Instead, the officials focused their attention on conducting studies revealing the weaknesses of the IARC study that would be provided to IARC "so that they either consider it in their report [monograph], or if they don't we will be in a position to ask them why."[162] The tobacco companies also took steps to ensure that tobacco company consultants would be represented on the IARC monograph working group, the group of experts who drafts the monograph:

> "2. ENCOURAGE BALANCED PERSPECTIVE AMONG EXPERTS IN IARC MONOGRAPH WORKING GROUP.
>
> "It is expected that invitations will be issued by IARC to both P. Lee and a SHB [Shook, Hardy, & Bacon, an industry law firm] consultant. Efforts are ongoing to encourage IARC invitations to other "objective" scientists by encouraging them to be vocal on the issue now. One of the consultants is preparing a paper on the monograph process and is finding out about the invitation process.
>
> "3. TRY TO OBTAIN OBSERVER STATUS IN IARC MONOGRAPH WORKING GROUP."[163]

The tobacco companies' efforts to influence an IARC monograph on ETS have not been tested because IARC has not begun the process of issuing such a monograph. Boffetta noted that**:**

> **"**although industry-affiliated scientists have occasionally been invited to serve as experts in monograph expert groups, this is not done as a means to ensure a 'balanced' view. All experts, no matter their affiliation, are invited to base their evaluation on their scientific judgment only. . . In addition to invited experts, self-proposed observers can be accepted to take part in the meetings. They are often from industry (but also from governments and NGOs): they are expected to contribute to the work of the

group of experts. However, they do not take part in the evaluations."[164]

An IARC advisory group of outside experts meets every five years to make recommendations about which agents should be the subjects of IARC monographs. Although ETS was on the list of recommended monographs in 1993, IARC did not take up the recommendation to initiate a monograph on ETS. ETS was not among the recommendations issued in 1998.

E. Impact of the Tobacco Companies' Campaign

The tobacco companies' campaign to undermine the IARC ETS study failed to halt the study or alter its outcome. However, the campaign very likely succeeded in reducing the study's impact by manipulating public opinion about the meaning of the study results.

The least successful elements of the tobacco companies' strategy were those intended to: (1) halt or influence the study through IARC's budget or director; and (2) develop generally accepted epidemiological practice standards that would prevent regulatory authorities from using the IARC study in standard-setting. The tobacco companies' plans to cancel or affect the conduct of the study through its budget, by lobbying IARC's donors or its director, were explored but then abandoned as unlikely to succeed. Industry officials also abandoned their attempts to gain acceptance of a GEP program. This project was halted out of concern that the scientific community would not endorse standards for epidemiological studies of the kind necessary to preclude reliance on the IARC study, and because of industry fears that improving epidemiological studies would harm the industry more than it would help them. Nevertheless, there is evidence that tobacco companies have continued to pursue related strategies. Recent tobacco company documents suggest that the tobacco companies continue to promote criticism of epidemiological methods used to study low-risk substances, including ETS.[165]

Industry officials successfully established contacts with the IARC investigators and funded and publicized research designed to cast doubt on the validity of the IARC study. Through their contacts with IARC investigators and collaborators, the tobacco companies were able to gain a great deal of information about the design, conduct, and analysis of the study, as well as information on preliminary results. Some of this information was intended to be kept confidential. Although much of the information obtained by the tobacco companies on the design and conduct of the study was not considered confidential, industry officials were able to use this information as well to plan studies challenging the methodology used in the IARC study. In addition, in at least one case, industry representatives were able to take advantage of their contacts with IARC to enroll an IARC collaborator as an investigator on a tobacco company-financed study of confounders, whose probable purpose was to undermine the IARC study. In the future, the tobacco companies may be able to use the counter–research they conducted in their attempts to influence any IARC monograph that may be initiated. It is also worth noting that the tobacco companies continue to fund research, literature, reviews, and conferences designed to cast doubt on the relationship between ETS and cancer and to challenge the methods used to assess its toxicity.[166]

Ultimately, however, the tobacco companies' efforts to contact scientists and influence the methodology of the study do

not appear to have altered the study results or analysis. As noted in D.2.b) of this case study, an important tobacco company objective in contacting IARC scientists and carrying out counter-research was to convince IARC that it would be necessary to adjust the study results to account for sizable misclassification errors and for confounders. The IARC study report, however, explicitly analyzed and rejected the tobacco company arguments that adjustments were appropriate. The report concluded that the actual risk of misclassification was very small, and that there was no evidence that confounders, such as diet, were associated with lung cancer in those exposed to ETS.[167] Consequently, IARC did not reduce the calculation of relative risk in the study for misclassification or confounders, as the tobacco companies had hoped.

There is a possibility, however, that the attention paid by IARC to the tobacco companies' form of misclassification overshadowed another form of misclassification that was not adjusted for and may have resulted in understating the true relative risk in the study. Ong and Glantz argue that a portion of the "unexposed" group may have actually been exposed to significant background levels of ETS. Thus, the study findings would underestimate the difference between "exposed" and "unexposed." If this form of misclassification were adjusted for, it would raise the calculated relative risk in the IARC study.[168] There is no evidence that the industry had an influence on IARC's decision not to adjust for this form of misclassification. Boffetta said that he does consider this to be a potential source of underestimation of the risk ratio in the IARC study.[169]

The tobacco companies' communications strategy was undoubtedly the most successful element of its attempt to undermine the IARC study. By distorting the statistical underpinnings of the study results, the tobacco companies managed to convince journalists around the world to write news stories that the study showed no increased risk of lung cancer from ETS. The tobacco companies exploited the early release of study results in IARC's Biennial Report, without accompanying information to explain the results to the public, as well as the lack of communication between IARC and WHO about the study. The circumstances surrounding the release of the study results allowed the tobacco companies to misrepresent the results without effective response from WHO. The tobacco companies' distortions of the study results continue to be repeated in media accounts and in tobacco company presentations to regulatory authorities.

Although IARC has not initiated a monograph on ETS, the committee did not find evidence in the tobacco company documents that IARC's decision not to issue a monograph was influenced by the tobacco industry. According to Boffetta, ETS may not have been considered a high priority for a monograph because ETS was in fact briefly mentioned as a carcinogen in IARC's 1986 monograph on tobacco and cancer:

> "The observations on nonsmokers that have been made so far are compatible with either an increased risk from 'passive' smoking or an absence of risk. Knowledge of the nature of sidestream and mainstream smoke, of the materials absorbed during 'passive' smoking, and of the quantitative relationships between dose and effect that are commonly observed from exposure to carcinogens, however, leads to the conclusion that passive smoking gives rise to some risk of cancer."[170]

Ong and Glantz have suggested that "the strenuous effort mounted by the industry to subvert the IARC study and prevent an IARC monograph is probably the most compelling justification for IARC to prepare such a publication [considering] not just lung cancer but all the diseases that second-hand smoke [ETS] causes."[171] Boffetta also stated that the Advisory Group might reconsider the need for an ETS monograph in light of the tobacco companies' activities.

F. Conclusion

This case study demonstrates the extraordinary resources that tobacco companies will expend and the questionable tactics it will pursue to undermine a legitimate scientific study. Despite these efforts, the companies were not successful in altering the results or interpretation of the study by IARC. The tobacco companies were successful, however, in manipulating media accounts of the study results, misleading the public into believing that the study failed to show a relationship between ETS and lung cancer. Industry officials were also successful in obtaining some confidential information about the progress and preliminary results of the study, before that information was made public.

G. Recommendations

a) Written Guidelines on Information Disclosure

The disclosure of some confidential information during the study suggests a need for guidelines on handling contacts from the tobacco industry. Boffetta agreed that written guidelines could be helpful. He did not believe, however, that the guidelines should be restrictive about disclosure of information on study design and conduct. Boffetta stated that preliminary study results and certain questions about methodological concerns faced during the trial would be appropriately kept confidential. The committee of experts believes that written guidelines and instruction for IARC investigators and collaborators would help to prevent the release of truly confidential study information, while ensuring the even-handed sharing of information that is appropriately disclosed. The committee of experts agrees that such guidelines should not interfere with the open exchange of scientific information. The committee of experts also believes that WHO and IARC should make efforts to educate their investigators and collaborators about tobacco company efforts to undermine tobacco research.

Recommendations**:**

1. IARC should develop written guidelines for IARC investigators and collaborators about handling contacts by tobacco companies or organizations substantially controlled by tobacco companies, and for disclosing information about ongoing trials. IARC should consider including in the guidelines prospective rules about what information from ongoing studies is publicly available and what is confidential.

2. WHO and IARC should take steps to educate their scientific investigators and collaborators about tobacco company efforts to undermine research and the need for special vigilance in protecting the integrity of tobacco-related research.

b) Acceptance of Grants or Other Employment

The committee of experts also believes that IARC should provide written guidelines to IARC investigators and collaborators concerning offers of research grants or other forms of employment by tobacco companies. Under some circumstances, acceptance of grants or other employment from tobacco companies may constitute a conflict of interest or may otherwise undermine the integrity of the study. Of course, in some instances during the IARC ETS study, the investigators and collaborators were not aware that the individuals from whom they received offers of employment worked for members of the tobacco industry.

Individuals representing the tobacco industry may or may not be truthful about their industry ties, if asked directly. Nevertheless, the committee of experts believes that IARC investigators or collaborators who are participating in tobacco-related studies and who receive offers of research grants or other forms of employment should seek disclosure of any tobacco industry affiliations from those making the offer. At a minimum, individuals participating in tobacco-related studies for WHO or IARC should be made aware of the possibility that they will be contacted by tobacco industry and representatives that the industry ties of those contacting them may be concealed.

Recommendations**:**

3. IARC should develop written guidelines on whether it is appropriate for investigators and collaborators to accept research grants or offers of employment from tobacco companies or organizations they control.
4. IARC investigators and collaborators involved in trials related to tobacco should be made aware of the possibility that they will be contacted by scientists whose tobacco industry ties are not disclosed, and given guidance about how to handle requests for information about the study. Investigators and collaborators should also be informed of the need to ask whether those who offer them grants or other employment during a tobacco-related study have tobacco industry affiliations.

c) Release of Information About Tobacco-Related Study Results

The committee of experts believes that the tobacco companies' ability to manipulate public response to the study by misrepresenting the study results was increased by the circumstances surrounding the release of the study results. Three factors contributed to the tobacco companies' successful manipulation of public opinion. First, the study results were disclosed in the Biennial Report before publication of the full study report, leaving the tobacco companies to explain their significance to the media. Boffetta, the study coordinator, agreed that in light of IARC's experience with the ETS study, it might be appropriate to require release of study results only after the publication of the full study report.

Second, IARC and WHO did not communicate about the study and the imminent release of results, preventing effective response to media inquiries directed at WHO. Third, because of the early release of study results, IARC and

WHO were not prepared to provide explanatory information about the study to help ensure that the study was accurately represented in media accounts. According to Boffetta, IARC has been ready to explain other recent studies to the media because the first release of results occurred when the study reports were published, and IARC was prepared for the media attention.

Recommendations:

5. IARC and WHO should consider a policy of embargoing information about the results of tobacco-related studies, e.g., through annual reports and bulletins, until the full report is ready for release.

6. IARC and WHO should maintain communication about tobacco-related studies.

7. If study results are released before the publication of the full report, IARC and WHO should be prepared to brief the media on those results to ensure that they are accurately represented.

8. WHO and IARC should develop affirmative communications plans to anticipate and counter tobacco tobacco company misrepresentation of important new research findings.

d) Tobacco Company Participation in any ETS Monograph

IARC has not yet initiated an ETS monograph. However, the documents reveal tobacco company plans to influence the outcome of any such monograph by ensuring the participation of tobacco company consultants on the monograph working group and by obtaining observer status on the working group. Jerry Rice, director of IARC's monograph program, believes that in light of IARC's experience with the ETS study, individuals receiving funding from tobacco companies should not be included in any future ETS monograph working group as invited participants:

> "[B]ecause of this industry's record of deliberate misinformation and dis-information regarding the adverse health effects of its products . . .the presence of any such person on a working group would raise questions of objectivity about any resulting evaluations below Group 1: carcinogenic to humans."[172]

The committee of experts believes that tobacco companies have demonstrated their willingness to compromise the integrity of a scientific study. To protect the integrity of any monograph on ETS and to preserve its credibility, individuals who are employed by the tobacco industry in any capacity should not be included as invited participants.

Recommendation:

9. IARC should consider initiating a monograph on ETS.

10. If IARC initiates a monograph on ETS, it should ask all potential participants and observers to disclose any ties to the tobacco industry. Individuals who are, or have been recently, employed by the tobacco industry as consultants or otherwise should not be included as voting members of the monograph working group.

1. *Worldwide Regulatory Affairs Budget Explanations.* Philip Morris Companies Inc. 2046901118–1127. www.pmdocs.com. UQ 33773.

2. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

3. Boffetta P, Agudo A, Ahrens W, et al. Multicenter case–control study of exposure to environmental tobacco smoke and lung cancer in Europe. *J Natl Cancer Inst* 1998; 90: 1440–50.

4. *IARC Biennial Report 1990–1991*. Pages 18–19. Lyon, 1991.

   IARC Biennial Report 1992–1993. Page 57. Lyon, 1993.

   IARC Biennial Report 1994–1995. Pages 82–83. Lyon, 1995.

   IARC Biennial Report 1996–1997. Pages 76–77. Lyon, 1997.

   IARC Biennial Report 1998–1999. Pages 79–80. Lyon, 2000.

5. *Accommodating the preferences of smokers and nonsmokers.* Philip Morris Companies Inc. 2045655607–5635 at 5609. www.pmdocs.com. UQ 33589.

6. US Environmental Protection Agency. *Health effects of passive smoking: Assessment of lung cancer in adults and respiratory disorders in children.* Office of Research and development, Office of Health and Environmental Assessment. EPA/600/6–90/006F, 1992b.

7. Rowland WD. *IARC ETS Study.* May 1994. British American Tobacco Company. 500804683. Guildford Document Depository. UQ 33700.

8. Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118. www.pmdocs.com. UQ 33590.

9. Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118. www.pmdocs.com. UQ 33590.

   Winokur MN. February 4, 1994. Philip Morris Companies Inc. 2047315110–5111. www.pmdocs.com. UQ 33601.

10. Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118. www.pmdocs.com. UQ 33590.

    IARC Epidemiological Study on Lung Cancer and ETS. Philip Morris Companies Inc. 2501341817–1823 at 1818. www.pmdocs.com. UQ 33591.

11. Winkour MN. *IARC Update I.* January 17, 1994. Philip Morris Companies Inc. 2025493459–3460 at 3459. www.pmdocs.com. UQ 33600.

12. Sullivan, J. September 2, 1993. Philip Morris Companies Inc. 2501117793–7797 at 7794. www.pmdocs.com. UQ 33603.

13. *IARC Epidemiological Study on Lung Cancer and ETS*. Philip Morris Companies Inc. 2501341817–1823 at 1818, 1821. www.pmdocs.com. UQ 33591.

    Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4120. www.pmdocs.com. UQ 33590.

    Lyberopoulos, H. *Presentation on IARC*. April 19, 1994. Philip Morris Companies Inc. 2501355931–5944 at 5943. www.pmdocs.com. UQ 33604.

14. *IARC Epidemiological Study on Lung Cancer and ETS*. Philip Morris Companies Inc. 2501341817–1823 at 1821. www.pmdocs.com. UQ 33591.

    Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4120. www.pmdocs.com. UQ 33590.

15. Sullivan J. *IARC Study.* September 2, 1993. Philip Morris Companies Inc. 2501117793–7797 at 7795. www.pmdocs.com. UQ 33603.

16. Henson, H. *IARC.* July 27, 1993. Philip Morris Companies Inc. 2025493295–3296 at 3295. www.pmdocs.com. UQ 33605.

17. *IARC Epidemiological Study on Lung Cancer and ETS*. Philip Morris Companies Inc. 2501341817–1823 at 1821. www.pmdocs.com. UQ 33591.

    Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4116. www.pmdocs.com. UQ 33590.

18. Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4119. www.pmdocs.com. UQ 33590.

19. Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4119. www.pmdocs.com. UQ 33590.

20. Greenberg D. *IARC*. September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118. www.pmdocs.com. UQ 33590.

21. *IARC Study.* 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7168. www.pmdocs.com. UQ 33595.

    Ritter M. *ETS/ IARC Budget*. January 19, 1994. Philip Morris Companies Inc. 2025470123. www.pmdocs.com. UQ 74.

22. *IARC Epidemiological Study on Lung Cancer and ETS*. Philip Morris Companies Inc. 2501341817–1823 at 1820. www.pmdocs.com. UQ 33591.

23. Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118. www.pmdocs.com. UQ 33590.

24. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7170. www.pmdocs.com. UQ 33595.

    IARC Scientific Aspects. March 1994. Philip Morris Companies Inc. 2025470672–0725 at 0697–0698, 0708–0713. www.pmdocs.com. UQ 33606.

    Environmental Tobacco Smoke: an overview of the evidence and scientific affairs activities. Philip Morris Companies Inc. 2060577609–7708 at 7678–7682. www.pmdocs.com. UQ 33611.

    Fabriques de Tabac Reunies S.A. *Monthly activities*. May 4, 1994. Philip Morris Companies Inc. 2028363615–3616. www.pmdocs.com. UQ 33602.

    Frost B. *Future ETS studies by the IEMC*. April 1994. Philip Morris Companies Inc. 2024765032–5033. www.pmdocs.com. UQ 33612.

25. *IARC Study.* 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7170. www.pmdocs.com. UQ 33595.

26. Green, J. *Statement 040.* January 1993est. Philip Morris Companies Inc. 2023591631–1634. www.pmdocs.com. UQ 33542.

27. Lee, PN. *IARC Multicentre Study on ETS and lung cancer: Some ideas of work that might be useful.* February 3, 1994. Philip Morris Companies Inc. 2026219003–9010 at 9008. www.pmdocs.com. UQ 33740.

28. Sullivan J. *IARC*. June 16, 1994. Philip Morris Companies Inc. 2501347174–7176 at 7175. www.pmdocs.com. UQ 33614.

    IARC Study. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7171. www.pmdocs.com. UQ 33595.

29. *IARC Scientific Aspects.* March 1994. Philip Morris Companies Inc. 2025470672–0725 at 0723. www.pmdocs.com. UQ 33606.

30. Fabriques de Tabac Reunies S.A. *Monthly activities*. May 4, 1994. Philip Morris Companies Inc. 2028363615–3616. www.pmdocs.com. UQ 33602.

31. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7170. www.pmdocs.com. UQ 33595.

32. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7171. www.pmdocs.com. UQ 33595.

33. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7172. www.pmdocs.com. UQ 33595.

    Winokur M. IEMC prep. April 18, 1994. Philip Morris Companies Inc. 2025477955. www.pmdocs.com. UQ 33607.

34. Walk R. *Proposed Guidelines for Good Epidemiology Practices* July 241994. Philip Morris Companies Inc. 2029260524–0539. www.pmdocs.com. UQ 33613.

    Sullivan J. *IARC*. June 16, 1994. Philip Morris Companies. Inc. 2501347174–7176 at 7175. www.pmdocs.com. UQ 33614.

35. Walk R. *Quality assurance in epidemiology GEP*. October 1997. Philip Morris Companies Inc. 2063604594–4600 at 4600. www.pmdocs.com. UQ 33610.

36. Sanders E. *GEP's*. April 3, 1998. Philip Morris Companies Inc. 2060566164–6165 at 6164. www.pmdocs.com. UQ 33701.

37. Lyberopolous H. *Presentation on IARC*. April 19, 1994. Philip Morris Companies Inc. 2501355931–5944 at 5942. www.pmdocs.com. UQ 33604.

38. Louison D. Telecopy transmission sheet. July 5, 1994. Philip Morris Companies Inc. 2025493019–3030 at 3021. www.pmdocs.com. UQ 33705.

39. Lindheim J. *Presentation on Scientist Project*. May 5, 1994. Philip Morris Companies Inc. 2025493201–3207 at 3205–3206. www.pmdocs.com. UQ 33708.

40. *IARC Scientific Aspects*. March 1994. Philip Morris Companies Inc. 2025470672–0725 at 0721. www.pmdocs.com. UQ 33606.

Burson–Marstellar. *Preparedness plan for the announcement of the IARC study*. December 1993. Philip Morris Companies Inc. 2025493265–3278. www.pmdocs.com. UQ 33608.

41. Winkour M. *Philip Morris USA inter–office correspondence.* January 17, 1994. Philip Morris Companies Inc. 2025493459–3460 at 3460. www.pmdocs.com. UQ 33600.

42. Burson–Marstellar. *Preparedness plan for the announcement of the IARC study.* December 1993. Philip Morris Companies Inc. 2025493265–3278 at 3267. www.pmdocs.com UQ 33608.

43. Burson–Marstellar. *Preparedness plan for the announcement of the IARC study.* December 1993. Philip Morris Companies Inc. 2025493265–3278 at 3273. www.pmdocs.com. UQ 33608.

44. Burson–Marstellar. *Preparedness plan for the announcement of the IARC study.* December 1993. Philip Morris Companies Inc. 2025493265–3278. www.pmdocs.com. UQ 33608.

45. Burson–Marstellar. *Preparedness plan for the announcement of the IARC study.* December 1993. Philip Morris Companies Inc. 2025493265–3278 at 3274. www.pmdocs.com. UQ 33608.

46. *Preparedness plan for the announcement of the IARC study.* January 1994. Philip Morris Companies Inc. 2501362541–2546 at 2542. www.pmdocs.com. UQ 33615.

47. Lyberopolous H. *Presentation on IARC*. April 19, 1994. Philip Morris Companies Inc. 2501355931–5944 at 5937. www.pmdocs.com. UQ 33604.

Rowland WD. *IARC ETS Study*. May 1994. British American Tobacco Company. 500804683. Guildford Document Depository. UQ 33700.

48. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7172. www.pmdocs.com. UQ 33595.

Lyberopoulos H. *Inter–office correspondance regarding presentation on IARC*. April 19, 1994. Philip Morris Companies Inc. 2501355937–5944 at 5943. www.pmdocs.com. UQ 33604.

49. *IARC Scientific Aspects.* March 1994. Philip Morris Companies Inc. 2025470672–0725 at 0722. www.pmdocs.com. UQ 33606.

50. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7172. www.pmdocs.com. UQ 33595.

51. Hansen H. *IARC*. July 27, 1993. Philip Morris Companies Inc. 2025493295. www.pmdocs.com. UQ 33605.

52. Pages R. *Update 2: IARC study of ETS and lung cancer.* August 2, 1993. Philip Morris Companies Inc. 2023299819. www.pmdocs.com. UQ 33733.

53. Cerioli A. May 26, 1995. Philip Morris Companies Inc. 2502251076. Minnesota Document Depository. UQ 24.

Cerioli A. July 2, 1995. Philip Morris Companies Inc. 2502251045. Minnesota Document Depository. UQ 25.

Cerioli, A. *Report of my encounter with Dr. Simonato (Registro Tumori Veneto) In Padova on 9.12.1996*. December 11, 1996. Philip Morris Companies Inc. 2502250837–0838. www.pmdocs.com. UQ 26.

Cerioli A. *Report of my activity during the month of April 1998*. May 3, 1998. Philip Morris Companies Inc. 2502251309–1310. www.pmdocs.com UQ 27.

IARC Study. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

54. Cerioli A. July 2, 1995. Philip Morris Companies Inc. 2502251045. Minnesota Document Depository. UQ 25.

55. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

56. Walk, R.A. *IARC Multi–Center Case Control Study of ETS and Lung Cancer, Your memo dated 21 May 93*. July 13, 1993. Philip Morris Companies Inc. 2025493287. www.pmdocs.com. UQ 33616.

57. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

Pages R. *IARC Study of ETS and Lung Cancer*. May 21, 1993. Philip Morris Companies Inc. 2500015757. www.pmdocs.com. UQ 33617.

Walk, R.A. *IARC Multi–Center Case Control Study of ETS and Lung Cancer: Update of information*. July 30, 1993. Philip Morris Companies Inc. 2029041838–1839. www.pmdocs.com. UQ 33618.

58. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7168. www.pmdocs.com. UQ 33595.

59. Henson H. *IARC.* July 27, 1993. Philip Morris Companies Inc. 2025493295–3296 at 3295. www.pmdocs.com. UQ 33605.

60. Giuliani, P. *SCR Associati*. April 11, 1991. Philip Morris Companies Inc. 2501356071–6076. www.pmdocs.com. UQ 33625.

61. Interview with Paolo Boffetta, April 17, 2000.

62. Castiglioni F. *[Letter to Anthony Andrade]*. January 22, 1992. Philip Morris Companies Inc. 2501011400. www.pmdocs.com. UQ 33741.

63. Interview with Paolo Boffetta, April 17, 2000.

64. Interview with Paolo Boffetta, April 17, 2000.

65. *Visit Report: John Wahren, Stockholm–November 12, 1992.* November 25, 1992. Philip Morris Companies Inc. 2026222074–2075 at 2075. www.pmdocs.com. UQ 33742.

66. Wahren J. January 13, 1993. Philip Morris Companies Inc. 2028376955. www.pmdocs.com. UQ 33743

Wahren J. Feburary 1, 1995. Philip Morris Companies Inc. 2028379202. www.pmdocs.com. UQ 33744.

67. Castiglioni F. November 19, 1993. Philip Morris Companies Inc. 2028376877. www.pmdocs.com. UQ 33745.

68. Walk R.A. *IARC's Multi–Center Case Control Study on ETS and Lung Cancer, Update of information. July 30, 1993*. Philip Morris Companies Inc. 2029041838–1839 at 1839. www.pmdocs.com. UQ 33618.

69. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7170. www.pmdocs.com. UQ 33595.

Winokur M. *[FAX to H. Reif attaching "CIAR and IARC, Next Steps and Options."]* September 12, 1994. Philip Morris Companies Inc. 2028381587–1588 at 1588. www.pmdocs.com. UQ 33746.

70. Interview with Paolo Boffetta, April 17, 2000.

71. Walk, R.A. *IARC Multi–Center Case Control Study of ETS and Lung Cancer, Your memo dated 21 May 93*. July 13, 1993. Philip Morris Companies Inc. 2025493287. www.pmdocs.com. UQ 33616.

Pages R.A. *Update: IARC study of ETS and Lung Cancer*. July 13, 1993. Philip Morris Companies Inc. 2025493288. www.pmdocs.com. UQ 33619.

Visit to IARC, Lyon July 13, 1992. July 19, 1993est. Philip Morris Companies Inc. 2025494407–4410. www.pmdocs.com. UQ 33624.

Green, J. *Statement 040*. January 1993est. Philip Morris Companies Inc. 2023591631–1634. www.pmdocs.com. UQ 33542.

72. Interview with Paolo Boffetta, April 17, 2000.

Cerioli A. July 2, 1995. Philip Morris Companies Inc. 2502251045. Minnesota Document Depository. UQ 25.

73. Interview with Paolo Boffetta, April 17, 2000.

74. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

75. Lee PN. *Lung cancer and environmental tobacco smoke exposure*. May 1995. Philip

Morris Companies Inc. 2050761229–1233. TDO Supersite at www.tobaccodocuments.org. UQ 33747.

76. Lee PN. *Visit to IARC, Lyons on 17 December 1993*. December 20, 1993. Philip Morris Companies Inc. 2026219040–9053 at 9050. www.pmdocs.com. UQ 33748.

77. Interview with Paolo Boffetta, April 17, 2000.

78. Interview with Paolo Boffetta, April 17, 2000.

79. Walk R.A. *IARC Multi–Center Case Control Study of ETS and Lung Cancer, Your memo dated 21 May 93*. July 13, 1993. Philip Morris Companies Inc. 2025493287. www.pmdocs.com. UQ 33616.

Pages R.A. *Update: IARC study of ETS and Lung Cancer*. July 13, 1993. Philip Morris Companies Inc. 2025493288. www.pmdocs.com. UQ 33619.

Walk R.A. *IARC Multi–Center Case Control Study on ETS and Lung Cancer, Update of information*. July 30, 1993. Philip Morris Companies Inc. 2029041838–1839. www.pmdocs.com. UQ 33618.

Cerioli A. May 26, 1995. Philip Morris Companies Inc. 2502251076. Minnesota Document Depository. UQ 24.

Cerioli A. July 2, 1995. Philip Morris Companies Inc. 2502251045. www.pmdocs.com. UQ 25.

Cerioli A. *Report of my encounter with Dr. Simonato (Registro Tumori Veneto) In Padova on 9.12.1996*. December 11, 1996. Philip Morris Companies Inc. 2502250837–0838. www.pmdocs.com. UQ 26.

Cerioli A. *Report of my activity during the month of April 1998*. May 3, 1998. Philip Morris Companies Inc. 2502251309–1310. www.pmdocs.com UQ 27.

Cerioli A. *Report on my attendance to the Conference "Conoscenze Scientifiche, Seperi Popolari e Socita Umana alle Soglie del Duemile. Attualite del Pensiero di A. Maccacaro."* January 27, 1997. Philip Morris Companies Inc. 2502250796–0797. www.pmdocs.com. UQ 29.

Cerioli A. *On Going IARC Case Control Study on ETS and Lung Cancer. Studies being performed in Italy*. December 16, 1993. Philip Morris Companies Inc. 2024766559. www.pmdocs.com. UQ 33621.

Cerioli A. *Visit to Dr. Merletti in Novara on Feb. 1st, 1994*. April 2, 1994. Philip Morris Companies Inc. 2024766643–6645. www.pmdocs.com. UQ 33622.

Lee, PN. *Visit to IARC, Lyons on 17 December 1993*. December 20, 1993. Philip Morris Companies Inc. 2026219040–9053 at 9050. www.pmdocs.com. UQ 33748.

International Agency for Research on Cancer: Outline Briefing. November 22, 1993. Philip Morris Companies Inc. 2024234318. www.pmdocs.com. UQ 85.

80. Walk R.A. *IARC Multi–Center Case Control Study on ETS and Lung Cancer, Update of information.* July 30, 1993. Philip Morris Companies Inc. 2029041838–1839. www.pmdocs.com. UQ 33618.

Reininghaus, W. *IARC Questionnaires*. May 27, 1994. Philip Morris Companies Inc. 2050751952. www.pmdocs.com. UQ 33627.

81. Interview with Paolo Boffetta, April 17, 2000.

82. Science and Technology Neuchatel*, [Note from Mitch [Ritter?] enclosing IARC ETS Multicenter Study].* February 14, 1994. Philip Morris Companies Inc. 2025494653–4671 at 4671. www.pmdocs.com. UQ 33639.

83. Burson–Marstellar. *Preparedness plan for the announcement of the IARC study*. December 1993. Philip Morris Companies Inc. 2025493265–3278 at 3271. www.pmdocs.com. UQ 33608.

84. *Informal Meeting of the IARC Research Group on ETS and Human Cancer*. Philip Morris Companies Inc. 2501349504–9507 at 9504–9505. www.pmdocs.com. UQ 33636.

85. Pages, R. *[Forwarding note from H.* Reif: *IARC study]*. July 19, 1993. Philip Morris Companies Inc. 2025470098. www.pmdocs.com. UQ 32800.

Wahren J. January 13, 1993. Philip Morris Companies Inc. 2028376955. www.pmdocs.com. UQ 33743.

86. *47th WHO World Assembly: Informal meeting of some members of the IARC study group "ETS*

and the Lung Cancer". Geneva May 3–6, 1994. Philip Morris Companies Inc. May 5, 1994. 2501347143–7144 at 7143. www.pmdocs.com. UQ 33637.

87. Wilhelmus J. *WHO.* April 18, 1995. Philip Morris Companies Inc. 2063625254. www.pmdocs.com. UQ 33541

88. CECCM. *IARC Study*. April 4, 1995. British American Tobacco Company. 500804531–4537. Guildford Document Depository. UQ 33774.

89. Cerioli A. *Report on my attendance to the Conference "Conoscenze Scientifiche, Seperi Popolari e Socita Umana alle Soglie del Duemile. Attualite del Pensiero di A. Maccacaro."* January 27, 1997. Philip Morris Companies Inc. 2502250796–0797. www.pmdocs.com. UQ 29.

90. Interview with Paolo Boffetta, April 17, 2000.

91. Interview with Paolo Boffetta, April 17, 2000.

92. Lee PN. *IARC Multicentre Study on ETS and lung cancer: Some ideas of work that might be useful.* February 3, 1994. Philip Morris Companies Inc. 2026219003–9010. www.pmdocs.com. UQ 33740.

    Greenberg D. *IARC.* September 15, 1993. Philip Morris Companies Inc. 2021184116–4121 at 4118–4119. www.pmdocs.com. UQ 33590.

93. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

    Cerioli A. [*Memo to Mr. Ritter regarding the visit to Dr. Merletti at the Novara Medical Faculty*.] April 2, 1994. Philip Morris Companies Inc. 2024766643–6645 at 6643. www.pmdocs.com. UQ 33622.

94. Lee PN. *IARC Multicentre Study on ETS and lung cancer: Some ideas of work that might be useful.* February 3, 1994. Philip Morris Companies Inc. 2026219003–9010 at 9008. www.pmdocs.com. UQ 33740.

95. Interview with Paolo Boffetta, April 17, 2000.

96. *47th WHO World Assembly: Informal meeting of some members of the IARC study group "ETS and the Lung Cancer". Geneva May 3–6, 1994*. Philip Morris Companies Inc. May 5, 1994. 2501347143–7144. www.pmdocs.com. UQ 33637.

97. Interview with Paolo Boffetta, April 17, 2000.

98. *Visit to IARC, Lyon July 13, 1992.* July 19, 1993est. Philip Morris Companies Inc. 2025494407–4410 at 4110. www.pmdocs.com. UQ 33624.

99. Interview with Paolo Boffetta, April 17, 2000.

100. IARC Study. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7169. www.pmdocs.com. UQ 33595.

101. Lojacono G. April 11, 1991. Philip Morris Companies Inc. 2501356071–6072. www.pmdocs.com UQ 33375.

102. Lojacono G. *Research Group Informal Meeting on: 'Health Effects of ETS in Europe'–Paris, P. Broussel Hospital (Villejuif)*. March 13, 1991. Philip Morris Companies Inc. 2501356073–6076 at 6075. www.pmdocs.com. UQ 33534.

103. Lee PN. *Visit to IARC, Lyons on 17 December 1993*. December 20, 1993. Philip Morris Companies Inc. 2026219040–9053 at 9040. www.pmdocs.com. UQ 33748.

104. Lee PN. *Visit to IARC, Lyons on 17 December 1993*. December 20, 1993. Philip Morris Companies Inc. 2026219040–9053. www.pmdocs.com. UQ 33748.

105. Lee PN. *Visit to IARC, Lyons on 17 December 1993*. December 20, 1993. Philip Morris Companies Inc. 2026219040–9053 at 9048. www.pmdocs.com. UQ 33748.

106. Lee PN. *Visit to IARC, Lyons on 17 December 1993*. December 20, 1993. Philip Morris Companies Inc. 2026219040–9053 at 9050. www.pmdocs.com. UQ 33748.

107. Cerioli A. *Report of my activity during the month of April 1998*. May 3, 1998. Philip Morris Companies Inc. 2502251309–1310. www.pmdocs.com UQ 27.

108. Interview with Paolo Boffetta, April 17, 2000.

109. *IARC–International Agency for Research on Cancer. September 2, 1993*. Philip Morris Companies Inc. 2025494441–4469. www.pmdocs.com. UQ 32915.

110. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7168. www.pmdocs.com. UQ 33595.

111. British American Tobacco. *Europe's Largest Ever Passive Smoking Study has failed to establish a Meaningful Risk of Lung Cancer to Non–smokers*. March 5, 1998. Philip Morris Companies Inc. 2063594010–4240 at 4022. www.pmdocs.com. UQ 33750.

112. Winokur M. *IARC plng recap*. September 24, 1993. Philip Morris Companies Inc. 2029174855. www.pmdocs.com. UQ 32841.

Walk R.A. *IARC study specifications and weaknesses in design*. August 26, 1994. Philip Morris Companies Inc. 2028340546–0560 at 0549–0550. www.pmdocs.com. UQ 33626.

113. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7168. www.pmdocs.com. UQ 33595.

114. Lee, PN. *IARC Multicentre Study on ETS and lung cancer: Some ideas of work that might be useful.* February 3, 1994. Philip Morris Companies Inc. 2026219003–9010 at 9008. www.pmdocs.com. UQ 33740.

115. Lee, PN. *IARC Multicentre Study on ETS and lung cancer: Some ideas of work that might be useful.* February 3, 1994. Philip Morris Companies Inc. 2026219003–9010 at 9008. www.pmdocs.com. UQ 33740.

116. *IARC Scientific Aspects*. March 1994. Philip Morris Companies Inc. 2025470672–0725 at 0697–0698, 0708–0713. www.pmdocs.com. UQ 33606.

117. Winokur M. *Facsimile transmission*. September 12, 1994. Philip Morris Companies Inc. 2028381587–1588 at 1588. www.pmdocs.com. UQ 33746.

118. Interview with Paolo Boffetta, April 17, 2000.

119. Interview with Paolo Boffetta, April 17, 2000.

120. Center For Indoor Air Research. August 11, 1994. Philip Morris Companies Inc. 2028381480–1495. www.pmdocs.com UQ 33642.

Environmental Tobacco Smoke: an overview of the evidence and scientific affairs activities. Philip Morris Companies Inc. 2060577609–7708 at 7678. www.pmdocs.com. UQ 33611.

Monthly Activities, HER, S&T, FTR/PM Neuchatel. April 5, 1994. Philip Morris Companies Inc. 2028363615–3616. www.pmdocs.com. UQ 33602.

121. Boyse S. *Note on a special meeting of the UK industry on environmental tobacco smoke.* London, February 17, 1988. February 17, 1988. Philip Morris Companies Inc. 2060563936–3941. www.pmdocs.com. UQ 33775.

122. Brook R. *Barcelona Study*. May 1, 1997. Philip Morris Companies Inc. 2063636138–6139. www.pmdocs.com. UQ 33641.

Weinberg M, July 21, 1997. Philip Morris Companies Inc. 2063600683–0695. www.pmdocs.com. UQ 33751.

Zhang M. *Press Article in the China Daily on the CIAR's GEP Workshop in Guangzhou*. September 29, 1997. Philip Morris Companies Inc. 2063608546–8547. www.pm.docs.com. UQ 33752.

123. *Environmental Tobacco Smoke: an overview of the evidence and scientific affairs activities*. Philip Morris Companies Inc. 2060577609–7708 at 7679. www.pmdocs.com. UQ 33611.

124. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

125. Matthews R, MacDonald V. Passive smokers inhale six cigarettes a year. *Sunday Telegraph*. August 16, 1998.

126. *IARC Scientific Aspects*. March 1994. Philip Morris Companies Inc. 2025470672–0725 at 0702–0706. www.pmdocs.com. UQ 33606.

Matanowski G, Kanchanaraksa S, Lantry D. Chang Y. Characteristics of nonsmoking women in NHANES I and NHANES I Epidemiologic follow–up study with exposure to spouses who smoke. *American J. of Epidemiology* 1995; 142:149–157

Eisenberg M. *Proposal from Dr. Ragnar Rylander*. September 11, 1994. Philip Morris Companies Inc. 2028381480–1495. www.pmdocs.com. UQ 33754.

Koo L, Kabat G, Rylander R, Tominaga S, Kato K, Ho J. Dietary and lifestyle correlates of passive smoking in Hong Kong, Japan, Sweden,

and the U.S.A. *Social Science Medicine* 1997; 45(1): 159–69.

Mueller L. *Confounder Pilot Study in Germany* February 2, 1995. R. J. Reynolds Tobacco Company. 2028381440–1442. www.pmdocs.com. UQ 33755.

Lee PN. Difficulties in assessing the relationship between passive smoking and lung cancer. *Stat Methods Med Res* 1998 Jun;7(2):137–63.

127. Lee PN, Forey BA, Misclassification of smoking habits as a source of bias in the study of environmental tobacco smoke and lung cancer. *Stat Med* 1996 Mar 30;15(6):581–605

128. APCO Associates. *Revised Plan for the Public Launching of TASSC (Through 1993)*. October 15, 1993. Philip Morris Companies Inc. 2045930493–0504 at 0494. www.pmdocs.com. UQ 33576.

129. APCO Associates. *Revised Plan for the Public Launching of TASSC (Through 1993)*. October 15, 1993. Philip Morris Companies Inc. 2045930493–0504 at 0494. www.pmdocs.com. UQ 33576.

Kraus M. September 23, 1993. Philip Morris Companies Inc. 2024233677–3682. www.pmdocs.com. UQ 33757.

130. Lyberopoulos H. *Presentation on IARC*. April 19, 1994. Philip Morris Companies Inc. 2501355931–5944 at 5942. www.pmdocs.com. UQ 33604.

Hockaday T, Cohen N. *Thoughts on TASSC Europe*. March 25, 1994. Philip Morris Companies Inc. 2025492898–2905 at 2899. www.pmdocs.com. UQ 33758.

131. Hockaday T, Cohen N. *Thoughts on TASSC Europe*. March 25, 1994. Philip Morris Companies Inc. 2025492898–2905 at 2899. www.pmdocs.com. UQ 33758.

132. Lindheim J. *Presentation on Scientist Project*. May 5, 1994. Philip Morris Companies Inc. 2025493201–3207 at 3205. www.pmdocs.com. UQ 33708.

133. Lyberopoulos H. *Presentation on IARC*. April 19, 1994. Philip Morris Companies Inc. 2501355931–5944 at 5942. www.pmdocs.com. UQ 33604.

134. Lindheim J. *Presentation on Scientist Project*. May 5, 1994. Philip Morris Companies Inc. 2025493201–3207 at 3206. www.pmdocs.com. UQ 33708.

135. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

136. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

137. www.esef.org. March 2000.

138. www.esef.org. March 2000.

139. Mooney L. Smoking out bad science. *Wall Street J*. March 19, 1998; A18.

140. Weinberg M. July 21, 1997. Philip Morris Companies Inc. 2063600683–0695. www.pmdocs.com. UQ 33751.

Zhang M. *Facsimile Cover Sheet Press Article in the China Daily on the CIAR's GEP Workshop in Guangzhou*. September 29, 1997. Philip Morris Companies Inc. 2063608546. www.pm.docs.com. UQ 33752.

Baoxia Z, Zhang, M. *Countries United Against Cancer*. July 17, 1997. Philip Morris Companies Inc. 2063608547. www.pmdocs.com. UQ 33753.

Lister C, Green J. *Sound Science and GEP*. August 14, 1994. Philip Morris Companies Inc. 2028381627. www.pmdocs.com. UQ 33759.

141. Sanders E. *GEP's*. April 3, 1998. Philip Morris Companies Inc. 2060566164–6165 at 6164. www.pmdocs.com. UQ 33701.

142. Sullivan J. *IARC Task Force meeting*. October 4, 1994. Philip Morris Companies Inc. 2028381444. www.pmdocs.com. UQ 33760.

143. Ritter M. *GEP Proposal*. March 17, 1994. Philip Morris Companies Inc. 2028446632. www.pmdocs.com. UQ 33643.

144. Sanders E. *GEP's*. April 3, 1998. Philip Morris Companies Inc. 2060566164–6165. www.pmdocs.com. UQ 33701.

145. Sanders E. *GEP's*. April 3, 1998. Philip Morris Companies Inc. 2060566164–6165 at 6164. www.pmdocs.com. UQ 33701.

146. Burson–Marstellar. *Draft IARC European Response Plan*. August 6, 1996. Philip Morris Companies Inc. 2063604479–4500. www.pmdocs.com. UQ 33761.

147. Burson–Marstellar. *Draft IARC European Response Plan*. August 6, 1996. Philip Morris Companies Inc. 2063604479–4500 at 4480. www.pmdocs.com. UQ 33761.

148. *IARC Simulation, 29 April 1997, Analysis of Cardenis, Thun Publication*. 1997est. Philip Morris Companies Inc. 20633608709–8714. www.pmdocs.com. UQ 33772.

149. Seymour M. *6 September 1996 European Response Plan Workshop.* August 8, 1996. Philip Morris Companies Inc. 2063604475–4478. www.pmdocs.com. UQ 33762.

150. IARC Biennial Report, 1996–1997, Lyon. March 1998.

151. Hirayama T. Non–smoking wives of heavy smokers have a higher risk of lung cancer: A study from Japan. *BMJ* 1981; 282:183–85.

Repace JL, Lowery AH. A quantitative estimate of nonsmokers' lung cancer risk from passive smoking. *Environment Int*. 1985;11:3–22.

US Environmental Protection Agency. *Health effects of passive smoking: Assessment of lung cancer in adults and respiratory disorders in children*. Office of Research and development, Office of Health and Environmental Assessment. EPA/600/6–90/006F, 1992b.

152. Interview with Neil Collishaw, Feb. 3, 2000.

153. British American Tobacco. *Europe's Largest Ever Passive Smoking Study has failed to establish a Meaningful Risk of Lung Cancer to Non–smokers*. March 5, 1998. Philip Morris Companies Inc. 2063594010–4240 at 4018. www.pmdocs.com. UQ 33750.

154. MacDonald V. Passive smoking doesn't cause cancer–official. *Sunday Telegraph*. March 8, 1998.

155. Winokur M. *IARC related media*. March 18, 1998. Philip Morris Companies Inc. 2063594009. www.pmdocs.com. UQ 33764.

156. Interview with Neil Collishaw. Feb. 3, 2000.

157. World Health Organization. *Passive Smoking Does Cause Lung Cancer, Do Not Let Them Fool You*. March 9, 1998. Press Release WHO/29.

158. Boffetta P, Agudo A, Ahrens W, et al. Multicenter case–control study of exposure to environmental tobacco smoke and lung cancer in Europe. *J Natl Cancer Inst* 1998; 90: 1440–50.

159. Tozzi J. *Decisions Regarding the National Toxicology Program (NTP) Review of ETS*. October 20, 1988. Philip Morris Companies Inc. PM 2063594507–4508. www.pmdocs.com. UQ 33765.

160. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

161. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7168. www.pmdocs.com. UQ 33595.

162. Science and Technology Neuchatel*, [Note from Mitch [Ritter?] enclosing IARC ETS Multicenter Study].* February 14, 1994. Philip Morris Companies Inc. 2025494653–4671 at 4671. www.pmdocs.com. UQ 33639.

163. *IARC Study*. 1994est. Philip Morris Companies Inc. 2501347168–7173 at 7168. www.pmdocs.com. UQ 33595.

164. Interview with Paolo Boffetta, May 2, 2000.

165. Foster K. *ETS Presentation: CECCM–Brussels 7th–8th September, 1995 (Draft)*. September 6, 1995. Philip Morris Companies Inc. 2502188231–8253. www.pmdocs.com. UQ 33766.

Ellis C. *Proposal for a Workplace ETS Risk Assessment Methodology Workshop*. July 29, 1998. Philip Morris Companies Inc. 2060564893. www.pmdocs.com. UQ 33767.

166. Jenkins R. *Comparison Between EPA Assumptions for Lung Cancer Risk Assessment and the 16 Cities Study Environmental Tobacco Smoke Exposure Data*. December 2, 1998. Philip Morris Companies Inc. 2063838042–8044. www.pmdocs.com. UQ 33768.

Walk R. *OSHA Workshop, Baltimore, Draft.* July 17, 1998. Philip Morris Companies Inc. 2060569974–9975.www.pmdocs.com. UQ 33769.

167. Boffetta P, Agudo A, Ahrens W, et al. Multicenter case–control study of exposure to environmental tobacco smoke and lung cancer in Europe. *J Natl Cancer Inst 1998*; 90: 1440–50, 1447–1448.

168. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

169. Interview with Paolo Boffetta, April 17, 2000.

170. Tobacco Smoking. IARC Monographs on the Evaluation of Carcinogenic Risks to Humans. *IARC*. Vol. 38. 1986.

171. Ong E, Glantz S. Tobacco industry efforts subverting International Agency for Research on Cancer's second–hand smoke study. *The Lancet* 2000; 355: 1253–59.

172. E–mail communication from Jerry Rice, Ph.D., Chief, Unit of Carcinogen Identification and Evaluation, IARC, May 2, 2000.

X. RECOMMENDATIONS

A. Introduction

In the course of this inquiry, the committee of experts has identified many reasons for concern about the integrity of the process for international decision-making about tobacco. The evidence shows that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of the World Health Organization (WHO) to address tobacco issues. The attempted subversion has been elaborate, well financed, sophisticated and usually invisible. That tobacco companies resist proposals for tobacco control comes as no surprise, but what is now visible is the scale, intensity and, importantly, the tactics, of their campaigns. To many in the international community, tobacco use prevention may be seen today as a struggle against chemical addiction, cancers, cardio-vascular diseases and other health consequences of smoking. This inquiry adds to the mounting evidence that it is also a struggle against an active, organized and calculating industry.

This has implications for WHO and other international bodies, both in terms of program activities and internal procedures. The committee of experts hopes this report will contribute to a broad discussion of those implications within the international community, and will lead to the necessary changes in practices and programs to ensure that the integrity of international decision-making is protected.

Some questions remain unanswered. As this report has emphasized, the documentary review has not been exhaustive, nor has this committee interviewed all of those involved. At all times, the committee of experts has tried to limit itself to reporting conclusions and recommendations that are supported fully by the available evidence.

B. Increasing Public Awareness of Tobacco Company Influences

Despite the extensive involvement of tobacco companies in attempting to influence international policies, the committee of experts believes this involvement is little known within WHO or the larger public. The committee of experts believes that drawing public attention to tobacco companies' activities, and improving understanding of their hidden influence, may be the most important step WHO can take to address the problems identified in this report. The committee recommends that WHO take a series of actions to improve awareness and understanding of tobacco company efforts to influence international tobacco control activities.

a) Publication and Distribution of This Report

The committee of experts strongly recommends that this report be made public promptly. The tobacco company documents from which the report is drawn are, of course, already in the public domain, but few of the activities they describe, as identified here, have been reported previously. In addition, while some of the report's findings and recommendations are primarily of internal concern to WHO, many of the findings are of broad public significance and should be released. Publication of the report may therefore assist international decision-makers and the public in evaluating future proposals and debates, and in recognizing the hidden hand of tobacco companies.

In particular, debates surrounding the proposed Framework Convention on Tobacco Control may benefit from improved understanding of tobacco companies' behind-the-scenes role in previous controversies. The committee of experts notes that public hearings on the Framework Convention are to be held in Geneva in October 2000. Information in this report may contribute to discussions at the hearings and to subsequent negotiations on the Framework Convention. The committee of experts specifically recommends that WHO release this report no later than the commencement of the October hearings.

Second, release of the report will help demonstrate that, notwithstanding tobacco companies' efforts, WHO remains independent and determined to protect the integrity of its decisions. Further, it will send a message to WHO employees at all levels that this external threat to WHO's integrity is real and that WHO's conflict-of-interest and other ethical requirements are to be taken seriously. Finally, public release of the report will represent an important step in repairing any damage to WHO's credibility arising from tobacco companies' apparent success in influencing at least some past decisions.

Recommendation:

1. WHO should release and publish this report no later than the public hearings on the Framework Convention on Tobacco Control in October 2000.

For the reasons suggested above, the committee of experts encourages WHO to distribute the report widely. WHO should also support efforts to bring information contained in the report to the attention of the scientific community – for example, by authorizing the submission of the case studies for possible publication in peer-reviewed journals. The committee of experts believes the findings of the report offer an opportunity not only to encourage further research, but also to open a healthy discussion about the influence of tobacco companies and the adequacy of ethical safeguards. The committee of experts also encourages WHO to view the report as a vehicle for educating its employees, consultants, advisors and scientists about the need to be alert to concealed outside influences.

To achieve these purposes, WHO should not only distribute the report widely, but should also develop a plan for effective communication about the report and its findings. Based on past behavior, the committee of experts believes it is likely that tobacco companies will mount a campaign to challenge or discredit this report, whether directly or through surrogates. To prevent the distortion of public opinion, WHO should prepare to expose and counter these efforts.

In the past, WHO and other international bodies appear to have made little effort to maximize the impact of their public announcements. Rather, WHO's communications appear to have been reactive and episodic rather than strategic. In contrast, tobacco companies have built their activities around sophisticated and far-sighted public relations plans. The companies' moves have been carefully choreographed to sway public opinion. The committee of experts strongly encourages WHO to view strategic communications, through either the employment of professional public relations experts or the expansion of its internal communications programs, as an essential, and even central, tobacco prevention strategy.

Recommendation:

2. This report and its findings should be distributed and publicized widely, especially in scientific journals of note. WHO should develop a public relations plan for release of the report and effective communication about it, anticipating the likely responses of tobacco companies.

3. WHO should make strategic public relations efforts an integral part of its tobacco prevention activities. WHO should strengthen the resources available to Regional Offices and Collaborating Centers for public communication and dealing with the media.

b) Encouraging Further Investigation

This inquiry has identified many questions for further investigation. The full extent of tobacco industry influence cannot be known without deeper examination of the incidents described here and others only hinted at in the documents reviewed by this committee. WHO should encourage expanded investigation by independent researchers, and, particularly, by other institutions whose integrity may have been compromised.

Recommendation:

4. WHO should encourage additional investigation of tobacco industry behavior by independent researchers and by institutions whose decisions may have been compromised.

One of the distinct lessons of this inquiry concerns the extent to which tobacco companies rely upon third parties to carry out their campaigns of influence. The documents show a policy of concealing the companies' role and arranging for their arguments to be advanced by others who appear to be unrelated – a policy some have called "innocence by association." These third parties can range from respected trade associations to front groups created wholly by tobacco companies. Understanding this strategy, and uncovering the hidden hand of tobacco companies in the activities of seemingly unrelated groups, are central to understanding how these companies exert their influence. The committee of experts recommends that WHO encourage and support efforts by advocacy groups, independent researchers and others to identify and publicize the roles of these front groups and surrogates.

Recommendation:

5. WHO should encourage and support efforts to identify and publicize the roles of third-party front groups and surrogates acting under the influence of tobacco companies.

c) Urging Investigation by Member Countries and United Nations Organizations

The incidents described in this report suggest reason for concern that other international bodies may have been the targets of covert campaigns similar to those described here. Documents reviewed by this committee of experts contain disturbing references to alleged activities involving officials or policies of the Food and Agriculture Organization (FAO), International Labour Organization (ILO),

and Economic and Social Council of the UN (ECOSOC), among others.

The committee of experts recommends that WHO bring these concerns to the attention of other UN organizations, raise their awareness of tobacco companies' behavior as documented in this report, and encourage them to undertake their own investigations of any illicit influences on their decisions and programs. In particular, the committee of experts believes that WHO's role as leader of the fifteen-organization UN Ad Hoc Interagency Task Force on Tobacco Control provides a forum for encouraging attention to this issue. Moreover, the committee of experts encourages WHO to use this leadership position to open a Task Force discussion of the consistency and adequacy of current conflict of interest and ethics policies within other UN agencies, and to promote consistent implementation and enforcement of effective policies in all UN agencies.

Recommendations:

6. WHO should urge other UN organizations to investigate possible tobacco company influence on their decisions and programs, and to report their findings publicly.

7. WHO should advocate implementation and consistent enforcement of effective conflict of interest and ethics policies throughout UN agencies.

In the course of its review, the committee of experts has also seen statements suggesting possible clandestine tobacco company influence over the policies of member states. This issue is beyond the scope of the committee's inquiry. However, given the scale of the documented efforts to affect WHO policies, the committee of experts believes the possibility of such influence should be taken seriously. The committee of experts recommends that WHO encourage member states to undertake investigations of possible tobacco company influence over national tobacco policies and programs. Recognizing the cost of such investigations, the committee of experts recommends that WHO seek to provide or identify external sources of funding for such investigations on behalf of member states unable to fund investigations themselves.

Recommendations:

8. WHO should urge member states to conduct their own investigations of possible tobacco company influence on national decisions and policies, and to publish reports on their findings.

9. WHO should seek to provide or identify external sources of funding for such investigations on behalf of member states unable to fund them.

d) The Framework Convention on Tobacco Control

It is likely that tobacco companies will attempt to delay or defeat the proposed Framework Convention on Tobacco Control, or even to transform the proposal into a vehicle for weakening national tobacco control initiatives. Based on the past campaigns reviewed in this report, such a campaign is likely to be sophisticated and sustained, and to use tactics similar to those described in this report. Such a campaign may well be guided by elaborate plans from public relations and marketing firms, and may be grounded in polling data, focus groups and other market research. Part of

such a campaign may be overt and transparent. Indeed, several tobacco companies have already begun publicizing their objections to the proposal. Overt, organized opposition is also to be expected in developing countries dependent on tobacco growing.

Much of the likely opposition, however, is likely to be clandestine. In particular, such a campaign may employ the tactics described in Chapter V (the "Third World Issue"), including the control and manipulation of tobacco growers' groups and other surrogates to attempt to mobilize opposition to tobacco control in developing countries. As in the past, surrogates may maintain a facade of independence, when they are in fact guided or controlled by transnational tobacco corporations. Like past campaigns, efforts to undermine WHO's Framework Convention might attempt to work through the FAO, the UN Conference on Trade and Development (UNCTAD) or other international agencies whose responsibilities do not focus on global health. As in past campaigns, a campaign to subvert the Framework Convention on Tobacco Control (FCTC) can also be expected to include criticism of WHO that bears no apparent connection to tobacco issues, from parties with no visible link to tobacco companies.

In this context, the committee of experts recommends that WHO allocate sufficient resources to counter whatever campaign tobacco companies may undertake. If necessary, WHO should employ outside communication experts to develop a communications plan for meeting tobacco companies on equal footing. The committee of experts recommends that communication about the Framework Convention anticipate and expose tobacco company tactics.

Recommendation:

10. WHO should develop a sophisticated communications campaign to support the Framework Convention on Tobacco Control and counter any campaign of opposition by tobacco companies.

C. Protecting the Integrity of WHO Decision Making

In the course of this inquiry, the committee of experts identified several areas in which the committee felt the process and rules currently in place at WHO to guard against potential conflicts of interest should be clarified, strengthened or expanded. Those specific recommendations, some of which have been identified earlier in this report in the context of particular case studies, are set out below. These recommendations are intended for application throughout WHO, including its Collaborating Centers.

The existing conflict of interest requirements for WHO employees are contained in one page of staff regulations promulgated by the World Health Assembly (WHA) and one page of staff rules established by the Director-General. The committee of experts understands these requirements to apply to consultants, but not to temporary advisors or members of expert committees. Broadly speaking, these standards require employees and consultants to conduct themselves as international civil servants and to accept no direction from any external source. Employees are to report gifts, report any personal financial interest in companies with which they deal, and maintain the confidentiality of official information. They cannot hold outside employment or accept outside remuneration "incompatible" with their official duties.

In addition, the most senior officials (the Director-General, advisors to the Director-General, Cabinet members and Regional Directors) file confidential annual declarations of their personal financial interests. No similar requirement currently exists for most other employees, consultants, temporary advisors or members of expert committees. Certain programs and expert committees have established disclosure requirements for temporary advisors and other experts, but these requirements have varied among the units and programs of WHO. WHO is currently developing a uniform disclosure requirement for use throughout the Organization.

As a general observation, the committee of experts acknowledges that these ethical rules have been clarified significantly in recent years, and that internal review of the rules is continuing. The issues are difficult, and do not lend themselves to easy answers. Nevertheless, as external observers, the committee of experts drew the impression that the rules applicable within WHO are sometimes vague and confusing. For example, the proscription against "incompatible" financial holdings invites subjective interpretation. To some extent this may be inescapable. However, the committee felt that this lack of clarity, combined with the lack of training programs, the lack of uniform disclosure standards and the apparent absence of clear enforcement mechanisms, makes errors and violations possible, if not likely.

Based on its review, the committee of experts identified specific opportunities for improving this regulatory regime, as described below. Each of these recommendations is meant to advance one or more of four fundamental goals: independence, transparency, clarity and credibility. Taken together, the recommendations will help ensure that the WHO decision-making process is:

- Independent: with choices made on the merits, in the public interest, based on objective and unbiased assessment of the costs and benefits of alternatives.

- Transparent: open to public review, permitting stakeholders to understand how decisions are made, and to assess for themselves not only the wisdom of the decision, but also whether improper influence has been exerted.

- Clear: allowing consistency, predictability and fairness to all involved.

- Credible: with adherence to ethical standards recognized both internally and externally as a top priority.

Because the charge of the committee of experts is limited to the actions of the tobacco industry, the recommendations that follow are intended as rules for WHO's interactions with the tobacco industry only. The committee of experts concluded that questions about the adequacy of WHO policies as they affect dealings with industries other than the tobacco industry were outside the committee's mandate.

The committee of experts also acknowledges the difficulty inherent in defining the boundaries of the "tobacco industry." Tobacco products are manufactured or sold not only by multinational corporations, but also by state enterprises, by individual tobacco growers and by retail merchants. Large multinational tobacco manufacturers control far-reaching corporate structures that include major food companies, financial firms and other non-tobacco businesses. As this report confirms, tobacco manufacturers sometimes

exert their influence not only through these non-tobacco subsidiaries, but also through other businesses, trade organizations, non-profit entities and front groups.

This compounds the challenge of line-drawing. On one hand, strict rules that may be clearly appropriate for dealing with tobacco manufacturing companies may be less clearly appropriate for non-tobacco subsidiaries or other organizations tied only indirectly to tobacco manufacturing. On the other hand, this report confirms that WHO cannot simply identify major tobacco manufacturers and limit the application of strengthened rules to those companies, as such. As this report demonstrates, such a rule would be immediately circumvented by the use of surrogates. Moreover, the documents show that tobacco manufacturers view their non-food companies; their relationships with suppliers, distributors and retailers; their influence within business and charitable organizations; and indeed, every form of influence at their command, as tools to be used in service of their tobacco businesses. While the committee of experts has not adopted a fixed definition of the "tobacco industry," the committee recommends that WHO adopt policies sufficiently flexible to protect against the influence of tobacco companies in any form, whether that influence is exerted directly or through other organizations under manufacturers' substantial control.

a) Strengthening the Process

The committee of experts recommends that WHO take the following steps to demonstrate more clearly to its employees the seriousness of WHO's commitment to avoiding conflicts of interest and other ethical abuses:

Recommendations:

11. Appoint an ombudsman or other independent officer, outside the standard lines of reporting authority, with autonomy and clear authority for enforcing ethical rules.

12. Disseminate conflict of interest rules more broadly.

13. Introduce formal training for all new employees, consultants, advisors, and committee members, regarding the applicable ethics rules, and require periodic re-training. Use the ethical lapses identified in this report as case studies to reinforce to employees the seriousness of the rules and the potential for deliberate efforts by outside interests to subvert WHO's decisions.

14. Introduce a formal process for vetting prospective employees, consultants, advisors, and committee members, to identify conflicts of interest.

b) Strengthening Consequences

The committee of experts believes the absence of clear consequences for ethics violations undermines the effectiveness of WHO's rules.

Recommendations:

15. Clarify the consequences for violations of ethics rules, by specifying and publicizing significant consequences for serious violations.

16. Provide for the possibility of termination of employees, consultants, advisors and

committee members who conceal relationships with the tobacco industry or commit other serious and intentional offenses.

17. Disqualify those guilty of serious offenses from re-employment or re-appointment as consultants, advisors or committee members for a specified period of time. The length of such a disqualification should be determined by WHO, but should be consistent with the seriousness of the offense.

18. Clarify the consequences for violation of the current rule against disclosure of non-public information related to WHO activities.

c) Strengthening Prohibitions

The committee of experts recommends the following steps to clarify and, where necessary, strengthen, existing standards, to explicitly prohibit what the committee of experts believes are conflicts of interest:

Recommendations:

19. Prohibit employees, consultants, advisors, and committee members from holding any substantial financial affiliation with the tobacco industry, including any employment or consulting relationship. Prohibit any applicant who has such a conflict, or who has had one in the recent past, from appointment as an employee, consultant, advisor or committee member, except where there is a showing that the individual's contribution is essential. WHO should determine a reasonable period of time prior to employment or appointment during which the person must have been free of such conflicts. This result may be implicit in a current prohibition against employees and consultants holding offices "incompatible" with their duties to WHO. This rule should be clarified and extended to advisors and committee members.

20. Disqualify any professional services firm from performing work on behalf of WHO if the firm also provides a tobacco company with services likely to be adverse to the interest of public health. Specifically disqualify any law firm, advertising or public relations agency from simultaneously representing WHO and a tobacco company.

21. Prohibit employees, consultants, advisors and committee members from accepting any item of value from a tobacco company or its affiliates. This result may be implicit in a current rule against employees and consultants accepting any "gift or remuneration" from external sources "incompatible" with their duties to WHO. This rule should be clarified and extended to advisors and committee members.

d) Strengthening Disclosures

The committee of experts suggests the following steps to clarify and strengthen

disclosure requirements, to assure transparent decision-making processes:

Recommendations:

22. Place before the WHA, for discussion by member states, the question whether member states have in place adequate mechanisms to ensure the transparency of affiliations between delegates to the WHA and tobacco companies. Member states should be encouraged to take any additional steps necessary to avoid inappropriate affiliations.

23. Place before the WHA, for discussion by member states, the question whether current procedures for recognizing organizations as NGOs (Non-Governmental Organizations) include adequate mechanisms to make transparent any affiliations between an NGO and tobacco companies.

24. Require contractors proposing to provide professional services to WHO, including law firms, advertising agencies and public relations agencies, to disclose past relationships with tobacco companies and to terminate any current relationships.

25. Require prospective employees, consultants, advisors, and committee members to disclose all past and current financial and other affiliations with tobacco companies, and to terminate any substantial current affiliations, except where there is a showing that an individual's contribution is essential.

26. Extend the requirement to file an annual declaration of financial interests (currently applicable only to Cabinet members, Regional Directors and advisors to the Director-General) to all staff, consultants, advisors, and committee members who are in a position to influence WHO policies, programs or research.

27. Clarify the annual "declaration of financial interests" disclosure form, to ensure that annual disclosures include all sources of income, including gifts, grants, and honoraria; and all assets or items of value, such as real estate.

28. Clarify current staff regulations, which require employees to disclose to the Director-General any offer of an "honour, decoration or gift" from external sources, to ensure that this requirement covers any offer of future employment, remuneration or financial benefit.

29. Consider using formal contact logs to record all external contacts with senior officials concerning decisions related to tobacco policies and programs, and consider making such logs public.

e) Interrupting the Revolving Door

The inquiry identified repeated instances in which tobacco companies sought to hire current or recently-departed employees of

international bodies, including WHO, to gain the benefit not only of their expertise but also of their personal relationships within the organizations. This is the perennial "revolving door" problem, in which public servants accept employment in industries they formerly regulated, and in which employees of those industries seek employment for a time in the agencies that oversee their industries, arguably for the purpose of cultivating influence. In addition, organizations such as WHO, where it is common for program responsibilities to exceed available staff budgets, often find it attractive to accept the temporary services of professionals "seconded" or loaned to them by private businesses.

Current rules do not address revolving door issues, except to require internal disclosure by the most senior officials of any negotiations for prospective private employment. The committee of experts recommends the following additional safeguards:

Recommendations:

30. Require all WHO employees, consultants, advisors, and committee members to disclose any arrangements or negotiations concerning prospective employment with any organization substantially controlled or funded by the tobacco industry.

31. Require all WHO employees to agree, as a condition of employment, that in any post-employment contacts with the WHO they will identify any tobacco company or tobacco-affiliated organization directing them to make the contact, or on whose behalf the contact is made.

32. Require WHO employees to agree, as a condition of employment, that they will not contact WHO on behalf of any tobacco company or tobacco-affiliated organization for a period of two years after leaving WHO employment.

33. Require WHO employees to agree, as a condition of employment, that they will not accept any subsequent tobacco industry employment involving a specific issue in dispute in which they had substantial personal involvement at WHO.

34. Adopt a policy against the acceptance of "seconded" staff sponsored or funded by the tobacco industry.

f) Protecting Scientific Integrity

As demonstrated by this report's case studies of the International Agency for Research on Cancer study of environmental tobacco smoke (ETS) and the review of dithiocarbamate pesticides, additional safeguards are needed to protect against tobacco company attempts to distort scientific research sponsored by, or associated with, WHO and affiliated organizations. The best protection against subversion of the scientific process, the committee of experts believes, is better awareness and vigilance on the part of the scientists involved. Secret, elaborately orchestrated plans to undermine scientific studies are so far outside the ordinary scientific experience that they may never occur to researchers. The committee of experts therefore encourages WHO and IARC to work to educate the scientific community about the need for special

vigilance in protecting the integrity of tobacco-related research.

Recommendation:

35. WHO and IARC should take steps to educate their scientific investigators and collaborators about tobacco company efforts to undermine research and the need for special vigilance in protecting the integrity of tobacco-related research.

It is important that public understanding of important new research on tobacco and health not be distorted by tobacco company public relations tactics, as happened in the case of the IARC-sponsored study of the relationship between ETS and lung cancer. Advancing public understanding is one of the basic purposes of WHO-sponsored research, and public understanding of new research is determined largely by reporting in the popular press. WHO and IARC should therefore take affirmative steps to help ensure that the public receives an undistorted account of new research, by anticipating and countering tobacco company misconduct, and by devoting greater attention to affirmative communications plans when important research is to be released.

Recommendation:

36. WHO and IARC should develop affirmative communications plans to anticipate and counter tobacco company misrepresentation of important new research findings.

As discussed in the IARC case study, the committee of experts believes additional protections are needed to address the disclosure of confidential information about ongoing studies, to govern acceptance of grants and offers of employment and to address the timing of the release of research results.

Recommendations:

37. IARC should develop written guidelines for IARC investigators and collaborators about handling contacts by tobacco companies or organizations substantially controlled by tobacco companies, and for disclosing information about ongoing trials. IARC should consider including in the guidelines prospective rules about what information from ongoing studies is publicly available and what is confidential.

38. IARC should develop written guidelines on whether it is appropriate for investigators and collaborators to accept research grants or offers of employment from tobacco companies or organizations they control.

39. IARC investigators and collaborators involved in trials related to tobacco should be made aware of the possibility that they will be contacted by scientists whose tobacco company ties will not be disclosed, and given guidance about how to handle requests for information about the study. Investigators and collaborators should also be informed of the need to ask whether those who offer them grants or other employment during a tobacco-

related study have tobacco company affiliations.

40. IARC and WHO should consider a policy of embargoing information about the results of tobacco-related studies, e.g., through annual reports and bulletins, until the full report is ready for release.

41. IARC and WHO should maintain communications about tobacco-related studies.

42. If study results are released before the publications of the full report, IARC and WHO should be prepared to brief the media on those results to ensure that they are accurately represented.

The committee of experts also recommends the following steps to increase the visibility of tobacco company influence in the scientific process:

Recommendations:

43. Prospective investigators and collaborators in WHO sponsored research should be required to disclose past and current associations with the tobacco industry.

44. Standard-setting bodies should maintain minutes of their deliberations and decisions, to increase the visibility of any tobacco industry influence.

45. WHO should review the use of extra-budgetary funds for standard setting activities, to ensure that acceptance of funding or personnel from tobacco companies, or organizations under their control, does not compromise the integrity of WHO decision-making.

46. Journals and other publications sponsored by IARC or WHO should require researchers submitting articles or letters to the editor for publication to disclose all sources of funding for the research, including underlying sources of funding, (e.g., an industry grant to an academic institution by which the researcher is employed).

47. WHO should support the practice of World Conferences on Tobacco OR Health of requiring financial disclosures by those submitting presentations, and should encourage the expansion of these disclosures to identify the underlying sources of any significant funding originating outside the submitter's sponsoring organization.

48. Where WHO or IARC learn of research that has been published, or submitted for publication, without disclosure of tobacco industry funding, the committee of experts encourages WHO and IARC to make the industry involvement known to the journals or publications involved.

49. A researcher who conceals or misrepresents the sources of his or her funding should be barred for an appropriate period of time from participation in WHO and IARC-sponsored research and from publication in WHO or IARC-sponsored journals. WHO should determine the length of

such a disqualification, which should be proportionate to the seriousness of the misrepresentation.

Finally, as noted in the case study, tobacco companies were successful in misrepresenting the results of the IARC study of the relationship between ETS and lung cancer, and in misleading the public about the study's findings. Public misunderstanding and confusion about ETS as a result of this misrepresentation may offer an independent reason for IARC to consider initiating a monograph on ETS. As suggested in the case study, the committee of experts recommends that tobacco industry representatives be excluded from voting participation in any monograph working group.

Recommendations:

50. IARC should consider initiating a monograph on ETS.

51. If IARC initiates a monograph on ETS, it should ask all potential participants and observers to disclose any ties to the tobacco industry. Individuals who are, or have recently been, employed by the tobacco industry, as consultants or otherwise, should not be included as voting members of the monograph working group.

g) Anticipating Future Efforts to Gain Favor and Access

This inquiry identified a calculated tobacco company strategy of using food companies and other non-tobacco subsidiaries to initiate or support partnerships with international organizations on causes unrelated to tobacco. Tobacco companies perceive these partnerships as effective vehicles for developing high-level relationships within international organizations, re-directing priorities away from tobacco, and cultivating influence to defeat tobacco initiatives. Many of these strategies have involved causes important to WHO, from fighting cholera to promoting childhood immunization. These tobacco company initiatives can be alluring, particularly when they offer the prospect of large financial contributions.

The committee of experts expects that WHO will be presented in the future with similar invitations to form partnerships with tobacco company affiliates, especially as the Framework Convention for Tobacco Control moves forward. These may include offers of significant funding to help WHO achieve urgent non-tobacco priorities -- offers which may be very attractive to those within WHO responsible for these priorities. Rather than wait until it is presented with such an offer, WHO should develop a policy with regard to the appropriateness of accepting contributions from, or entering partnerships with, tobacco companies and their affiliates, so that these decisions can be made thoughtfully and without the urgency of an immediate offer to fill a pressing financial need.

Recommendation:

52. WHO should develop a policy on the acceptance of contributions from, or the creation of partnerships with, tobacco companies and their affiliates.

h) Ensuring the Validity of WHO Pesticide Standards

Based on the evidence identified in the Vettorazzi case study, the validity of certain pesticide safety determinations made during

the period of covert tobacco company influence is suspect. WHO should undertake or commission an independent technical review to determine whether these or any other pesticide rulings should be re-opened for safety assessment.

Recommendation:

53. WHO should undertake or commission an independent technical review to determine whether pesticide safety determinations made under the possible influence of tobacco company consultant Gaston Vettorazzi should be re-opened.

i) Addressing the Tobacco Companies Developing Country Strategy

To achieve a global consensus on tobacco control, WHO must do more to counter the tactics tobacco companies have used to reach out to developing countries. In particular, companies have successfully cultivated or exploited fear that tobacco control initiatives will cause economic dislocation in tobacco-growing regions, as well as fear that increased attention to tobacco control will come at the price of reduced attention to communicable diseases, malnutrition, and other urgent health problems.

The committee of experts suggests two steps to address these concerns. First, WHO should seek to help developing countries diminish their reliance on tobacco growing in a manner that respects the economic realities faced by these countries.

Recommendation:

54. WHO should develop a strategy to counter the tactics employed by the tobacco industry to gain opposition to tobacco control in the developing world. This strategy must address the legitimate economic issues raised by the loss of tobacco as a cash crop.

Second, WHO should take affirmative steps to counter any false impression that it has reduced its commitment to other urgent health priorities of special concern in developing countries, including issues of nutrition, sanitation, immunization and communicable diseases. The committee encourages WHO to make concerted, affirmative efforts to communicate the scale and importance of its programs in these areas, both to demonstrate to developing countries its continuing commitment to meeting their special needs, and to reassure them that the world does not face an “either or” choice between these priorities.

Recommendation:

55. WHO should undertake a concerted campaign to better communicate its continuing commitment to meeting urgent health needs of special importance in developing countries, including problems of sanitation, nutrition, immunization and communicable diseases.

D. Addressing the Harm Caused by Past Misconduct

This report details evidence of a long campaign to thwart global tobacco control initiatives, and focuses on the implications of that campaign for WHO. In the final analysis, however, the consequences of tobacco company misconduct fall not on global institutions, but on people. By

undermining tobacco control initiatives, tobacco companies have perpetuated the global epidemic of tobacco use and have increased the toll of lives damaged and lost. The precise extent of this harm may never be known, but the committee of experts believes it is significant and far-reaching.

WHO should assist member states in determining whether they or their citizens have a basis in law for seeking remedies from tobacco companies for any of this harm. The committee of experts notes that lawsuits in the US have had some success in obtaining various remedies, including monetary compensation and changes in marketing practices. The US litigation has also forced the disclosure of millions of documents of some tobacco companies -- including the documents described in this report – exposing aspects of past company behavior.

Other countries are now expressing interest in the possibility of seeking restitution or other redress from tobacco companies. Some countries are examining this possibility; others have actually commenced litigation. Many countries, however, especially in the developing world, which has been a special target of tobacco companies, may lack the financial or technical resources to assess whether there is a factual and legal basis for seeking restitution or other remedies. The committee of experts believes WHO should provide member states with technical assistance and consultation in evaluating the legal options available to them.

Recommendation:

56. WHO should provide technical advice and support to member states in assessing the option of restitution or other legal redress for harm caused by tobacco company actions.

E. Strengthening Resistance to Future Tobacco Industry Misconduct

The committee of experts suggests two additional steps that may reduce tobacco companies' capacity to undermine future global health initiatives.

First, the committee is concerned that the impact of tobacco companies on international policy may be seen by some within the UN system as simply a concern to be addressed by WHO. But defending against organized subversion of the international decision making process is a broader responsibility. While WHO is in a natural position to lead the international response to the activities described in this report, the committee of experts believes that ensuring the integrity of international processes is a shared responsibility of all the agencies of the UN, as well as other international bodies. The committee of experts believes that more should be done to engage other UN agencies in addressing these issues and in promoting policies that genuinely serve the public interest.

The committee encourages WHO to take increased responsibility for involving other agencies of the UN more actively in the development and promotion of tobacco control policies, and, to the extent possible, for promoting more consistent positions among all UN agencies.

Recommendation:

57. WHO should work to involve other UN agencies more actively in the formulation and promotion of tobacco control initiatives, and, to the extent possible,

should take responsibility for actively promoting more united and consistent positions among all UN agencies on issues related to tobacco control.

Finally, increased visibility may be the best protection against future subversion. WHO and member states should monitor tobacco company activities on an ongoing basis, to determine whether the pattern of behavior described in this report has ceased or is continuing, and to expose any continued efforts to undermine international health.

Some tobacco companies have made recent representations in the US that they have discontinued the types of conduct revealed by past documents. It is critical to determine whether these representations are true, and whether any changes in behavior extend to the companies' conduct in countries other than the US. Further, this report has described only activities revealed by documents of those corporations that were forced by US litigation to open their records: the files of many of the world's tobacco companies remain sealed. Continued monitoring is needed to determine whether other companies are engaged in conduct similar to that described here. The committee of experts believes this need is greatest in developing countries.

To ensure that tobacco company misconduct does not remain hidden, as it has in the past, WHO should make regular public reports on its findings. WHO should also consider whether monitoring of tobacco industry conduct could be proposed as an integral element of the Framework Convention on Tobacco Control, to increase the likelihood that member states will assist in the effort.

Recommendation:

58. WHO should conduct ongoing monitoring of tobacco industry activities, and should make regular public reports on any continuing misconduct. WHO should consider whether monitoring of tobacco industry conduct could be proposed as an element of the Framework Convention on Tobacco Control.

XI. CONCLUSION

While this inquiry was not exhaustive, it has demonstrated beyond doubt the magnitude of tobacco companies' continuing opposition to WHO tobacco programs. The tobacco companies' long-secret documents offer a window of insight not only into many of their surreptitious activities, but also into the strategies and attitudes that guide their conduct. To some, these revelations may come only as confirmation of long-held suspicions. To many, however, they will be eye opening.

But the significance of this inquiry may lie less in what it reveals about the past, than in what it suggests for the present and future. As WHO embarks on a global discussion of tobacco and health, and of the proposed Framework Convention on Tobacco Control, this inquiry invites a reassessment of the way WHO and its member states view the global epidemic of tobacco use.

At the most fundamental level, this inquiry confirms that tobacco use is unlike other threats to global health. Infectious diseases do not employ multinational public relations firms. There are no front groups to promote the spread of cholera. Mosquitoes have no lobbyists. The evidence presented here suggests that tobacco is a case unto itself, and that reversing its burden on global health will be not only about understanding addiction and curing disease, but, just as importantly, about overcoming a determined and powerful industry. If this inquiry contributes to that understanding, the committee of experts will have succeeded in its work.

GLOSSARY OF ACRONYMS

ACAC	Agrochemical Advisory Committee
ADI	Acceptable Daily Intake
AECA	America-European Community Association
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
AIDS	Acquired Immune Deficiency Syndrome
ARISE	Associates for Research in the Science of Enjoyment
ATC	American Tobacco Company
B&W	Brown & Williamson Tobacco Company
BAT	British American Tobacco Company
C&B	Covington & Burling
CECCM	Confederation of European Community Cigarette Makers
CIAR	Center for Indoor Air Research
CORESTA	Cooperation Centre for Scientific Research Relative to Tobacco
CTR	Council for Tobacco Research
DCG	Developing Countries Group (ICOSI)
EBDC (Pesticides)	Ethylene Bisdithiocarbamate
ECOSOC	Economic and Social Council of the United Nations
EEC	European Economic Community
EMRO	Eastern Mediterranean Regional Office (WHO)
EPA	Environmental Protection Agency
ESEF	European Science and Environment Forum
ETS	Environmental Tobacco Smoke
ETU	Ethylene Thiourea
FAO	Food and Agriculture Organization
FCTC	Framework Convention on Tobacco Control
FTR	Fabriques de Tabac Reunies
GAO	US General Accounting Office

GATT	General Agreement on Tariffs and Trade
GEPs	Good Epidemiological Practices
IAQ	Indoor Air Quality
IARC	International Agency for Research on Cancer
ICC	International Chamber of Commerce
ICD	Industry Council for Development
ICOSI	International Council on Smoking Issues
IIHD	Institute for International Health and Development
ILO	International Labor Organization
IMF	International Monetary Fund
INBIFO	Institut Fur Biologische Forschung
INFOTAB	International Tobacco Information Center
IOCU	International Organization of Consumer Unions
IPCS	International Programme for Chemical Safety
ITGA	International Tobacco Growers Association
ITIC	International Toxicology Information Centre
JMPR	Joint Meeting on Pesticide Residues
JSIF	Japanese Shipbuilding Industry Foundation
JTI	Japan Tobacco Inc
MCLs	Maximum Constituents Limits
MNCs	Multinational Corporations
NCLR	National Center for Legislative Research
NGO	Non Governmental Organization
NIH	National Institutes of Health
NMA	National Manufacturers' Association
NTP	National Toxicology Program
PAHO	Pan American Health Organization
PM	Philip Morris
PME	Philip Morris Europe
PMI	Philip Morris International
PRC	People's Republic of China

RJR	R.J. Reynolds Tobacco Company
S&T	Science and Technology, PM Neuchatel
SAU	Social Affairs Unit
SC	Scientific Commission
SCTH	Scientific Committee on Tobacco and Health
SH&B	Shook, Hardy & Bacon
SRFS	Smoking and Research Foundation
TASSC	The Advancement of Sound Science Coalition
TDC	Tobacco Document Center
TDO	Tobacco Documents Online
TFI	Tobacco Free Initiative
TI	Tobacco Institute
TOH	Tobacco or Health Program of the WHO
UICC	Union Internationale Contre le Cancer
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNEP	United Nations Environment Program
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
VA	Vettorazzi Associates
WCToH	World Conference on Tobacco OR Health
WHA	World Health Assembly
WHO	World Health Organization