

- ISSUE BRIEF -

TOBACCO INDUSTRY MANIPULATION OF SCIENCE

This issue brief is designed to support counter-marketing efforts by state tobacco control programs and tobacco control advocates. It sets forth a compelling topic and provides evidence from recently released tobacco industry documents to support its claims, concluding with statements that emphasize possible counter-marketing messages.

THE ISSUE

The tobacco industry has tried to use Corporate Social Responsibility tactics to make the public, press and regulators think they have changed the way it does business. The tobacco companies want to create the impression that they are presenting a more forthright face and that they care about the truth, no matter what it says about their products. But the reality is that they have not changed the way they do business and they have resorted to manipulating their scientists and suppressing the truth about the harm their products cause.

THE EVIDENCE

Internal tobacco company documents show that the companies tried to improperly influence scientific studies they commissioned.

- * A 1995 email written by R.J. Reynolds Associate General Counsel Mary Ward asserted frankly that John Rupp, an attorney representing the Tobacco Institute, a tobacco industry trade group, steered scientists of his choosing towards drawing apparently pre-ordained conclusions on secondhand smoke experiments. Ward stated:

[R.J. Reynolds and the Tobacco Institute] has been trying to rein John in, especially in Asia. Some of the Rupp-planned studies over there have not turned out so well. [R.J. Reynolds and the Tobacco Institute] and [Philip Morris International] have come to realize that the projects come out better when they are scientist-planned, and when the scientists choose the investigators on meritorious grounds, not when John chooses his scientist friends with the aim of trying to teach them something. Also, John has shown an amazing insensitivity in the way he continually proposes using [the Center for Indoor Air Research] as a money conduit for things that are purely and simply Rupp projects, and not properly funded by the Center.¹

When Rupp testified in the Department of Justice's racketeering trial against the tobacco companies and the Tobacco Institute, he denied interfering with scientists carrying out research projects for the Tobacco Institute.²

At least one tobacco company apparently had a practice of ghostwriting articles for its scientists.

- * In an email from R.J. Reynolds public relations executive Seth Moskowitz to a fellow R.J. Reynolds employee, Moskowitz praised her work and referred to an article he had written that used similar language, saying "I especially liked your Alice in Wonderland reference, which reminded me of a piece I ghosted for one of our scientists years ago."³

There is evidence the tobacco companies also tried to aggressively suppress their own scientists' reaction to outside studies that were not favorable to tobacco industry positions.

- * In 1981, Takeshi Hirayama published a groundbreaking study showing that the spouses of smokers suffered adverse health consequences from their exposure to secondhand smoke. The United States-based Tobacco

Institute engaged in a public relations campaign to dispute the validity of the study. Peter Lee, a scientist working for the Tobacco Institute's British equivalent, the Tobacco Advisory Council, disagreed with the Tobacco Institute's public relations campaign to dispute the validity of the study. A 1981 letter to Brown & Williamson Senior Vice President and General Counsel Ernest Pepples from the head of British American Tobacco Company's Public Affairs, Robert Ely, discussed how Lee's opposition to the Tobacco Institute's public relations strategy led to "diplomatic difficulties between [the Tobacco Institute and the Tobacco Advisory Council]." ⁴

"[T]he scientific and public affairs elements of the industry must work together if the [secondhand smoke] issue is to be successfully addressed." - Philip Morris

As a result, the tobacco companies and the Tobacco Institute directed Lee not to talk to outsiders about his opinion.

- * Tobacco Institute lawyer John Rupp denied in his Department of Justice racketeering case testimony that the Tobacco Institute ever tried to silence its scientists.⁵ But the judge's final ruling in the case found that the Tobacco Institute knew that the Hirayama study's data was correct and that Lee's support of the study was justified, and noted that an internal tobacco company memo called Lee's insistence on validating Hirayama's findings an "act of extreme disloyalty."⁶ The judge used this and other evidence to conclude that the tobacco defendants publicly denied what they internally acknowledged: that secondhand smoke is hazardous to nonsmokers.⁷
- There was an internal debate about how effective it was to use scientific studies to create a more favorable public attitude.⁸ Philip Morris attorney Don Hoel proposed using a mix of science and public relations, stating that "⁹ But one of the scientists present at the meeting, Dr. Franz Adlkofer, stated that he "refused to endorse a situation in which scientific research is guided by public relations needs."¹⁰

THE MESSAGE

- * The tobacco industry has tried to manipulate its scientists to push them into drawing conclusions that were pre-determined.
- * The tobacco companies were not concerned with searching for the truth about the harm their products caused but rather with protecting their profits.
- * The tobacco industry used front groups like the Tobacco Institute, a tobacco industry trade group, to shape the direction tobacco industry scientists took with their studies, and to stifle conclusions that did not support tobacco industry points of view.
- * If a scientist published an article on behalf of the tobacco industry, it might have been ghostwritten by a public relations person.
- * Scientists who disagreed with the tobacco industry's self-serving conclusions ran the risk of being marked as disloyal traitors.

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¹ Ward, ME. HongKong Email. October 7, 1995. Bates No. 531995265. Available at: <http://legacy.library.ucsf.edu/tid/wty36a00>.

² Trial testimony of John P. Rupp October 28, 2004 [a.m.], United States of America v. Philip Morris USA Inc. 28 Oct 2004. Available at: <http://tobaccodocuments.org/datta/RUPPJ102804AM.html>, at 1183.

³ Moskowitz, Seth W. Alice in Wonderland Email. June 6, 1997. Available at: <http://legacy.library.ucsf.edu/tid/yqb77a00>.

⁴ Ely, RLO. Letter from RLO Ely to E Pepples Enclosing Lee's Latest Report to the TAC, June 19, 1981. Bates No. 521024595. Available at: <http://legacy.library.ucsf.edu/tid/y1b77a00>.

⁵ Trial testimony of John P. Rupp October 28, 2004 [a.m.], United States of America v. Philip Morris USA Inc. 28 Oct 2004. <http://tobaccodocuments.org/datta/RUPPJ102804AM.html>, at 1184.

⁶ *U.S. v. Philip Morris U.S.A., Inc.*, 449 F. Supp.2d 1, 717 (D.D.C. 2006).

⁷ *Id.* at 692.

⁸ Joint Meeting on ETS -- London, England. July 15, 1988. Bates No. 87675280, 87675284. Available at: <http://legacy.library.ucsf.edu/tid/xhc77a00>.

⁹ *Id.* at Bates No. 87675285.

¹⁰ *Id.* at Bates No. 87675288.