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Philip Morris's Failed Experiment in Pittsburgh

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Abstract The campaign for passage and implementation of Pittsburgh's Smoking Control Ordinance in 1987 illustrates the role controversy plays in tobacco control. Proponents of the ordinance sought at first to keep it noncontroversial, while the tobacco industry tried to defuse the ordinance by generating controversy, claiming that severe economic and social disruption would occur. After the ordinance had been in force for a year, Philip Morris tried to take over its implementation, seeking to redefine the central issues as one of social accommodation rather than health. To succeed, Philip Morris's effort had to be widely accepted and noncontroversial. Proponents of the ordinance countered with controversy to undermine the campaign and expose the company's intentions. The controversy made the established health organizations uncomfortable, causing them to play only a marginal role. Surprisingly, the people who prevailed were the nonsmokers' rights activists, a small group with limited resources.

Ten years ago smoking was a generally accepted, even socially desirable, behavior. During the past decade, however, a scientific consensus has emerged that cigarette smoke harms not only the smoker but also the

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non-smoker (U.S. DHHS 1986; National Research Council 1986). As a result, smoking in public has become less socially acceptable. Concern over the evidence that secondhand smoke was harming people who do not smoke, combined with the declining social acceptability of smoking, has led many communities and workplaces to adopt legislation or regulations restricting when and where people can smoke. These restrictions enjoy widespread public support, even among many smokers (Gallup and Newport 1990).

In 1987, Pittsburgh enacted the first local smoking control ordinance in Pennsylvania restricting smoking in workplaces, restaurants, and public places. The idea for the ordinance originated with a member of the city council and was passed through the efforts of a local grass-roots non-smokers rights' group, the mayor, and newspapers, among others. The organized health community in Pittsburgh played only a token supporting role (Pollock 1991). Opposing the ordinance was the tobacco industry, allied with labor and business groups.

The campaign for and against the ordinance was typical for a local ordinance battle with strong opposition coming from the tobacco industry (Glantz 1987; Samuels and Glantz 1991). Generally, however, once the tobacco industry loses a local ordinance fight, it does not come back into the ring but moves on to the next fight or seeks to influence the state legislature to pass legislation overturning or preempting the local legislation. In the case of Pittsburgh, the tobacco industry tried the preemption strategy in the Pennsylvania state legislature and succeeded. However, Pittsburgh's ordinance proponents were able to persuade legislators to grandfather the Pittsburgh city ordinance, leaving it the only local ordinance in the state protecting non-smokers. This situation may explain why Philip Morris undertook its unique campaign.

In 1989, a year after the ordinance went into effect, Philip Morris tested a new tactic to neutralize the smoking control ordinance. Its "Accommodation Program" was designed to co-opt implementation of the ordinance and modify social attitudes towards smoking, including the very symbol that represented the non-smoking ideal: the international No Smoking symbol. The Accommodation Program elicited strong opposition from non-smokers' rights advocates, but only taken opposition from the organized health community.

The extraordinary political fact here is the absence of a united front among the health community in active support of the passage of the ordinance and in the critique of Philip Morris's attempt to subvert its implementation (Pollock 1991). Indeed, a surprising group of hounds failed to

bark. The local chapters of the voluntary health agencies and the Allegheny County Department of Health appeared not only to have ideological differences with political activism but also to disassociate themselves from the non-smokers' rights activists. While these organizations publicly stated their support for no-smoking initiatives, they did little else to mobilize support for legislation. They may have feared that becoming politically active would have undermined their ability to raise funds and to gain and maintain membership. A similar fear also might explain why these groups tended to avoid controversial issues and individuals who were outspoken and unorthodox.

Enacting Pittsburgh's Smoking Control Ordinance

The enactment of Pittsburgh's Smoking Control Ordinance involved various interest groups. Active proponents in government were members of the city council, the mayor, and the director of public safety (the enforcement agent of the proposed ordinance). Other major supporters were a grass-roots group, the Association for Non-Smokers' Rights (ANSR), and local newspapers. The opponents were the tobacco industry, the trade unions, and restaurant owners. On the margin were the health groups, represented by voluntary health agencies (the American Cancer Society, the American Lung Association, and the American Heart Association), the Allegheny County Medical Society, and the Allegheny County Department of Health.

Proponents of the Ordinance

Mark Pollock, a newly elected city council member, proposed a smoking control ordinance for Pittsburgh during the first half of 1987, in response to letters from constituents (Pollock 1991). Pollock has been described as being a young politician willing to take legislative initiatives. According to the executive director of the American Lung Association, Frank Donohue (1991), "He was possessed." Pollock developed his ordinance from a model ordinance provided by Americans for Non-smokers' Rights, a national public interest lobby based in Berkeley, California. At that time there were no smoking restrictions in restaurants or workplaces anywhere in Pennsylvania. Pollock did not expect much controversy when he introduced the bill.

In June 1987, the city council held a public hearing. Non-smokers'

rights and health groups participated, notably ANSR and the Southwestern Pennsylvania Coalition on Smoking or Health. Chuck Vukovich, an administrator with the Allegheny County Department of Health, who acted as a major public proponent for the ordinance, did so on behalf of the coalition rather than as a representative of the department of health. The Allegheny County Medical Society also attended. Other groups that participated were the restaurant and tavern associations, building owners, unions, and the tobacco industry.

Because of the unexpected level of controversy, Pollock created a smoking legislation committee to build consensus by involving opponents in the formulation process. He invited representatives from the labor unions, restaurant and tavern associations, the Chamber of Commerce, building owners and managers groups, department stores, the hotel association, the Southwestern Pennsylvania Coalition on Smoking or Health, the Allegheny County Department of Health, and ANSR to participate. A group of fifteen people met at least four times during the summer of 1987. The tobacco industry sent a representative to participate in one of the sessions (Romito 1991). After several meetings with the Smoking Legislation Committee, Mark Pollock brought a revised ordinance to the city council, which was less restrictive for restaurants, bars, and hotels than the original. The Building Owners and Managers Association (1987) of Pittsburgh wrote a letter to Pollock stating that it were not opposed to the ordinance. The revised ordinance permitted smoking in hotel lobbies, which pleased hotel owners, and required most restaurants to set aside at least 20 percent of their seating as a no-smoking area. This was a reduction from the original 50 percent (*Pittsburgh Press* 1987b). The workplace proposals were not changed. Pollock's effort succeeded in building consensus among groups previously hesitant to support the ordinance.

On 19 November 1987, the ordinance came to the first of two required votes by the city council. Despite the fact that the ordinance failed to pass by a vote of four to four with one abstention, Pollock felt that his effort at consensus building helped to narrow the vote (*Pittsburgh Post-Gazette* 1987a; Pollock 1991). The supporters of the ordinance were council members Pollock, Michelle Madoff, Stephen Grabowski, and James O'Malley. Opponents were council members Sophie Madoff, Jack Warner, Richard Given, and Eugene De Pasquale. Council President Ben Woods abstained because of a conflict of interest (he owned a restaurant). Mark Pollock had little hope of the bill passing after the initial vote. He stated, "I don't think there's anything that could save the bill except perhaps for a publicity. It's sad that my colleagues caved in to pressure from the Tobacco

Institute. The Tobacco Institute spent a lot of money and was able to enlist organized labor of the area" (*Pittsburgh Post-Gazette* 1987a).

Opposition from the labor council and the restaurant association played a decisive role in determining the outcome of the first city council vote. Council member Sophie Madoff explained, "If this bill loses one business or one job in Pittsburgh, I can't support it. I've been told by organized labor that will happen. I just don't want to lose jobs."

Several important events influenced the city council's second vote. Grass-roots activists gathered information to refute arguments made by opponents that such a bill would cause severe economic consequences. Bill Godshall, a health educator at the Allegheny County Health Department, on his own volition, contacted Action on Smoking and Health (ASH), a national public interest group in Washington, DC, for data showing that there was little danger of economic hardship. ASH sent New York City's 1986 report from the Mayor's Committee on Smoking and Health (1986), chaired by former U.S. Health and Human Services Secretary, Joseph A. Califano, which concluded that there was no correlation between smoking ordinances and a drop in business revenues. The results of this study were reported in Pittsburgh newspapers prior to the final vote, and the study was distributed by Mark Pollock to all city council members (*Pittsburgh Post-Gazette* 1987c). ANSR also asked its members to make telephone calls to the city council members. The day before the final vote seventy calls had been received in support of the ordinance while no calls were received opposing the measure, according to the council switchboard's log.

Mayor Richard Caliguiri actively lobbied those council members who had voted against the ordinance. The mayor was a major proponent for the ordinance. He argued that "government has two major responsibilities—the health and the safety of citizens. This is a matter of health" (*Pittsburgh Press* 1987d).

The local press supported the proposal. The *Pittsburgh Post-Gazette* (1987b) editorialized: "The council members who voted against the Pollock proposal at least have a chance to reconsider their position, instead of continuing to blow smoke, council should approve the ordinance." The *Pittsburgh Press* (1987a) also supported it in an editorial.

City Council's vote next week on the Smoking Pollution Control Ordinance offers Pittsburgh an opportunity for reasoned—and carefully prepared—regulation of a serious public health concern. . . . Mr. Pollock . . . has provided an all too rare example of balanced law making.

by bringing together those who would be most affected by the ordinance and negotiating a compromise that is broadly accepted within the community. . . . All council members should be able to support this ordinance.

The *Pittsburgh Press* (1987c) also commented a few days later that "[the law] undoubtedly would act to inhibit the use of tobacco in many public places and help make them more healthy and bearable for non-smokers. That's a goal the council should approve."

Perhaps most importantly, Mayor Caliguri persuaded city council member Sophie Masloff to vote for the ordinance (Pollock 1991). On 23 November 1987, the council voted five to two with two abstentions to make the smoking control proposal law. Of the original group of opponents, Jack Warner abstained and Masloff joined the supporters.

Opponents of the Ordinance

The main opposition came from the Tobacco Institute, the tobacco industry's Washington, DC-based lobbying organization, the Western Pennsylvania Restaurant Association, and the Allegheny County Labor Council (AFL-CIO). In letters written to city council members, opponents touched on common themes which the tobacco industry usually raises in opposing ordinances (Glaatz 1987), including a negative impact on business, the cost of implementation, and the adverse impact on tourism (Pollock 1991).

Newspapers, among other sources, reported that the Tobacco Institute was instrumental in organizing the opposition. The Tobacco Institute, in fact, sent its vice president, Walker Merryman, from Washington, DC, to Pittsburgh to lobby city council members. The institute conducted two surveys to try and convince the council to reject the ordinance. One was an economic impact study which found that the costs to enforce the ordinance in Pittsburgh could run into millions of dollars. The threat was that in the future businesses would not want to relocate to Pittsburgh. The second survey occurred the weekend prior to the vote. The Tobacco Institute conducted a telephone survey of 504 city residents, which Councilman John Warner, an ordinance opponent, claimed "reinforced the view that there is no public outcry for additional involvement by the city in an unenforceable ordinance" (*Pittsburgh Post Gazette* 1987a). The poll was conducted by Penn and Schoen Associates, Inc., of New York. The *Pittsburgh Post Gazette* (1987a) described the survey in an editorial as "a pseudo-scientific poll from a self-serving source, the American Tobacco Institute." In an

unsolicited letter to council president Ben Woods, Barry S. Geden (1987) of Larchmont, New York, a lawyer who represented Penn and Schoen Associates, characterized the firm as having "irreproachable integrity." Despite this endorsement, these surveys did not succeed in stopping the ordinance.

Restaurants opposed the ordinance on both votes because they feared it would produce a loss of business. Paul Stackhouse, the president of the labor council said the ordinance would infringe upon union bargaining rights and that smoking policies should be a matter of collective bargaining, not law (*Pittsburgh Post Gazette* 1987d).

The Hounds Who Failed to Bark

Although the Southwestern Pennsylvania Coalition on Smoking or Health had met every two months for the previous few years, the group did not actively seek legislation. In discussing the coalition's role in pursuing tobacco control ordinances, the American Lung Association's executive director, Frank Donohue, (1991) explained that the coalition chose a bureaucratic path, issuing resolutions but doing very little active lobbying for smoking ordinances. Donohue felt that the American Lung Association should not devote much time to lobbying government because of the organization's tax-exempt status. "Someone sending a bag of cards [from members concerned about an issue] or badgering politicians" was not seen as an effective means of communicating local opinion on an issue. In fact, Donohue actually opposed indoor smoking restrictions because he believed that they would be "unenforceable and therefore bad laws" (Donohue 1991). The American Lung Association treated the process with benign neglect.

Guy Reed, public issues chairperson for the American Cancer Society (1991), stated that political activity by his group was often reactionary and that it rarely pursued legislation but did "go on record to gain public support" for certain issues. A spokesman for the American Heart Association (Krayvo 1991) claimed that it was "very difficult to coordinate activities among three voluntary agencies" and that they were "not yet a powerful voice at lobbying." Bill Godshall (1990) hoped that the voluntary health agencies would encourage their volunteers to lobby for the ordinance. He said that "unfortunately each of the agencies claimed to be too busy with other projects to mobilize a final thrust." Chuck Vukotich, acting on behalf of the coalition, represented the only consistent presence of the organized health establishment.

The health department and the Allegheny County Medical Society were not actively involved in passing the ordinance. Despite the health department's membership in the Southwestern Pennsylvania Coalition on Smoking or Health, they never officially endorsed the ordinance (Pollock 1991). Godshall attempted to persuade them to share responsibility for enforcement, but the department declined because, it said, it could not take on new responsibilities, given current budget considerations. While initially uninformed about the ordinance, the medical society (1987) did eventually send letters to council members in support. This was the extent of their involvement. Interestingly, on other issues related to the medical society's direct self-interest, such as zoning issues surrounding property it owned, the medical society exhibited a broad repertoire of lobbying skills.

The Ordinance

The smoking pollution control ordinance required, as of 1 April 1988, that employers provide smoke-free areas for nonsmoking employees "to the maximum extent possible without incurring expenses to make physical modifications" (Title 6, Pittsburgh Code, Chapter 617). Employees were given the authority to designate their work area as nonsmoking and employers had to provide appropriate No Smoking signs for posting. Smoking was prohibited in all meeting rooms, classrooms, conference rooms, and restrooms. Employers with twenty-five or more employees were required to put the policy in writing.

Restaurants with more than fifty seats were required to designate at least 20 percent of the restaurant as a nonsmoking section. Not only did the ordinance provide for minimum nonsmoking seating but it allowed restaurants the choice of being entirely smoke-free. Other provisions were that bases post No Smoking signs and smoking was allowed in taxis only if the driver and all passengers agreed. Smoking was also prohibited in medical facilities, elevators, public restrooms, retail stores (except tobacco shops), service lines, and polling places. A compromise with the restaurant association made it possible for any restaurant with 20 percent or more of their sales derived from liquor to be exempt from the ordinance. The compromise effectively excluded many places which otherwise would have been classified as restaurants. Bars and smaller restaurants were also exempted from the ordinance. Furthermore, the ordinance said that "if unusual circumstances prevent compliance with this ordinance, an excep-

tion or modification may be granted upon application to the Department of Public Safety."

The ordinance contained a fine structure for violations. For violations committed in public areas, including lobbies, hallways, and polling places, the fine was \$300 for the first violation and \$500 or seventy-two hours in jail for every subsequent violation within a twelve-month period. For restaurants, workplaces, and bingo halls, the first violation required up to a \$50 fine, the second violation of the year imposed a \$100 fine or twenty-four hours in jail, and every additional violation might be penalized by a \$500 fine or seventy-two hours in jail. Employers, owners, and managers might not be penalized if someone smoked in a designated nonsmoking area. However, they were responsible for posting signs in those areas.

By 1992 standards this was a fairly mild ordinance. However, in 1988, it was quite progressive. Despite the success of the restaurant association in watering down the ordinance, the restaurant provision was very innovative for the late 1980s. It designated minimum numbers of seats to be nonsmoking in restaurants. Ordinances in other urban blue-collar centers in the region, such as Cincinnati and Dayton, Ohio, did not require minimum nonsmoking areas in restaurants.

There was no significant negative reaction after the ordinance was implemented. Eight months after the effective date of the ordinance, Public Safety Director Glen Cannon said that he had received less than half a dozen exemption requests. None of those requests were granted (*Pittsburgh Post Gazette* 1988). Although a small group of "adamant smokers" was causing some problems, he observed a positive public reaction when the ordinance came into effect (Cannon 1991). David Guo, a reporter with the *Pittsburgh Post Gazette*, said in a interview (1990), "I'm surprised at how well it worked. I thought there would be extraordinary resistance." Jacques Kahn, executive director of Building Owners and Managers Association, commented, "The consensus seems to be that it's a reasonable, workable piece of legislation" (*Pittsburgh Press* 1988c).

In the first eight months less than a dozen citations were issued, all for failure to post a No Smoking sign. Over 7,000 signs were distributed with copies of the ordinance by inspectors for the Department of Public Safety (who distributed 4,200 signs), the fire department (2,000 signs) and Councilman Pollock's office (1,000 signs) (Bruce 1989). When a complaint was filed, a city inspector checked for compliance by the business establishment in question. Occasionally the signs in restaurants

were ripped down, in which case the restaurants were not cited and a new sign was provided. Chief Building and Enforcement Officer, Inspector Richard Bruce, observed that "if every ordinance that was passed was as well-received as this, you wouldn't need us. . . . People are complying (*Pittsburgh Press* 1988c).

However, in a letter dated 15 January 1989, ANSR complained to Director Carmon and Inspector Bruce that it observed many businesses not complying eight months after the ordinance became effective. Carmon and Bruce responded that their agencies acted mainly in response to complaints, rather than actively promoting the ordinance. They also questioned the magnitude of noncompliance reported by ANSR and requested evidence. The result was that ANSR volunteered to distribute signs and do a survey of restaurants (Romito 1989). ANSR conducted an informal survey of 769 restaurants and distributed signs almost a year after the ordinance had been implemented and found that approximately half of all those surveyed were in compliance (Godshall 1991c). There was no real follow-up to the complaint. This inaction caused a strain in what had been a cordial relationship between ANSR and the Department of Public Safety.

Despite the microwave support from the health community, Councilman Pollock was satisfied with the ordinance and found that it was accepted by the public. None of the negative effects predicted by the opponents came to fruition. Lots were not lost; individuals' rights were not violated; fights between smokers and nonsmokers had not occurred and restaurants had not left the city (*Pittsburgh Post-Gazette* 1989a).

Pollock considered some amendments to the ordinance during the beginning of 1989. In particular, he wanted to include stairwells as smoke-free zones, limit smoking to designated areas of bowling halls, and revise the definition of a bar, requiring more than two-thirds of total revenue from alcohol sales, rather than the current 20 percent (*Pittsburgh Post-Gazette* 1989a). The 20 percent liquor sales clause was a real problem in the ordinance. When a complaint had been filed and the restaurant claimed to be exempt, the Department of Public Safety had to inspect tax forms, a tedious process. A proposed solution was to base the percentage on seating devoted to eating so that only business establishments that primarily sell liquor are exempt, which was the intention of the ordinance (Bruce 1991).

State Preempts Further Legislation

Unfortunately, a state law passed in November 1988 preempted all local ordinances except Pittsburgh's and prohibited Pittsburgh from altering its ordinance.

In January 1987, Democratic State Senator Michael Dawida of Pittsburgh attached his Clean Air Act as a rider to the Fire and Panic Act in the Pennsylvania State Legislature. This was his sixth effort during his five terms in office to introduce a meaningful bill to control tobacco smoke pollution indoors and protect nonsmokers from the toxins in secondhand tobacco smoke. After the bill's introduction, the tobacco lobby took control of the bill and persuaded the legislature to weaken the bill by replacing the strong language protecting nonsmokers with new language that effectively made it impossible to regulate smoking in workplaces and public places and adopting a preemption clause that prohibited local government from enacting stronger controls on smoking (*Pittsburgh Press* 1988a). The law also made work site smoking policies a collective bargaining issue, which the tobacco industry could influence through its connections with organized labor.

Those expressing grave reservations about the unretinked bill included the Southwestern Pennsylvania Coalition on Smoking or Health, ANSR, and Councilman Pollock. Ironically, the Pennsylvania division of the American Cancer Society, the Pennsylvania State Health Department, the Pennsylvania Lung Association, and the Pennsylvania Heart Association all supported the amended bill, despite the serious implications of preemption on local government and the tobacco industry's influence in weakening the original bill.

Dawida wavered in his support of the amended legislation. He initially did not support it because it was "too weak and too vague" (*Pittsburgh Press* 1988a). But subsequently he supported the bill because it was "the best version that could be passed given Pennsylvania's political climate and the tobacco industry's intensive lobbying" (*Pittsburgh Press* 1988b). There was evidence that Dawida's vote was influenced by pressure from the state voluntary health associations (Godshall 1991d). The state law that passed in November 1988 preempted all local ordinances except Pittsburgh's. This exemption was granted because of intense lobbying by Councilman Pollock, ANSR, and Senator Dawida. Nevertheless, the tobacco industry had effectively muzzleed the grass-roots movement for local tobacco control initiatives in Pennsylvania.

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The Accommodation Program

The Pittsburgh Smoking Control Ordinance, having been isolated, the stage was set for a unique effort by Philip Morris to undermine a local smoking control ordinance already in place.

On 1 June 1989, a little more than a year after Pittsburgh's ordinance went into effect, Philip Morris announced its new "Accommodation Program," a public relations campaign designed to take control of the implementation of Pittsburgh's smoking control ordinance. Philip Morris clearly had intentions of expanding the program if it had been successful in Pittsburgh. Company spokesperson Steven Weiss said that there was potential for the Accommodation Program to expand into other cities once the Pittsburgh test was completed. The test marketing period was four months long, from 1 June to 30 September 1989 with an estimated cost between two and four million dollars (*Pittsburgh Business Times Journal* 1989). The ordinance required posting signs in workplaces, public places, and restaurants to indicate nonsmoking areas. These signs informed smokers where they were not to smoke and empowered nonsmokers to ask smokers to obey the restrictions. The No Smoking sign was symbolic of the change in the social status of smoking. It appears that the objective of the Accommodation Program was to capture the public imagination and replace the established nonsmoking icon with a more ambiguous, even prosmoking, symbol.

The Program Logo

The central theme of the Philip Morris Accommodation Program was embodied in its symbol, a circular insignia similar to the Chinese sign of harmony, yin and yang (Figure 1, top). While the symbol resembled the international No Smoking symbol (Figure 1, bottom) at first glance, there were key differences. One half of the Accommodation Program's circular symbol showed a cigarette on a green background with smoke flowing at one end. This part of the sign indicated smoking was permitted. The other half of the symbol, presumably indicating nonsmoking, was solid red. The message associated with the red portion of the symbol was ambiguous, with no clear indication that smoking was prohibited. The caption below the symbol read, "Smokers and Non-smokers Welcome." The Philip Morris symbol told smokers that they were allowed to smoke in that place of business and, concurrently, may have been intended to discourage nonsmokers from filing a complaint or confronting a smoker.

SMOKERS AND
NON-SMOKERS
WELCOME



SMOKERS AND
NON-SMOKERS
WELCOME

NO SMOKING



Courtesy of the author; ©1989, Philip Morris Inc.

Figure 1 (top) The Accommodation Program symbol; (bottom) the international No Smoking symbol.

Public relations experts use positive symbols (e.g., yin and yang) or the idea of majority support (e.g., accommodation) to form a "bandwagon psychology" (Greenwald 1977). Philip Morris intended to alter public attitudes towards smoking by disseminating a "goodwill" ideology that conformed with the philosophy of the voluntary health agencies. For the campaign to be successful, it would have to alter the public perception of the ordinance from health promotion to social compromise and conflict avoidance in the name of "harmony." Tolerance of indoor smoking was the central theme of the campaign.

The Public Relations Campaign

At the press conference announcing the Accommodation Program, Philip Morris representatives explained that the program was developed as a public service in response to "fifty phone calls" from smokers "confused" about the ordinance. Philip Morris used the Burson-Marsteller public relations firm, which works for Philip Morris worldwide, to coordinate the program in Pittsburgh. Jointly, they designed the program, and subsequently, Burson-Marsteller recruited restaurants and businesses. These local businesses were important to Philip Morris in its effort to present the campaign as having broad local support.

Philip Morris organized a multimedia blitz to make the Accommodation Program familiar to all Pittsburgh residents. On 1 June, the program logo appeared on more than fifty billboards, one hundred taxis, and full-page advertisements in the local newspapers (Figure 2). At the start of the campaign, ninety businesses had been recruited with offers of free and subsidized advertising in newspapers. Philip Morris provided each participating business, free of charge, with window stickers, table tents, and a wall plaque displaying the Accommodation Program symbol.

Philip Morris spokesperson Steven Weiss told the local press that the company was not paying businesses to display the symbol (*Pittsburgh Post Gazette* 1989b). However, businesses were enticed by the offer of having their name listed, without charge, in full-page advertisements in the local press. The cost of each advertisement, which ran approximately once a week during the initial two months of the campaign, was estimated by a reporter for the *Post Gazette* at \$10,000 (Guo 1991). Additionally, according to the owner of Balcony in Shadyside restaurant, business owners were informed that they would be reimbursed 50 percent of the cost of their own advertisements if they included the program symbol (Meyers 1991).

The tobacco company also published *PM Plus*, a free four-page glossy

"IN OUR CLUB, WE GET SMOKERS AND NONSMOKERS. WE WANT TO ACCOMMODATE BOTH."

Bob Feldman, Steve Meyer, co-owners, The Balcony



"Some see The Balcony first as a jazz club, then as a restaurant. That's fine. We're both. Have a good dinner. Listen to some great music. Big band. Traditional. Straight-ahead. On Saturday nights. Fusion, something contemporary. Keep your options open.
"Good fresh food. Good live jazz. And plenty of choices on both menus. Our food comes in as varied as our music. Lots of fresh fish. Interesting things with chicken. Tons of salad. Lots of choices....

"Choice. Key word. That's why you'll see this symbol on our door. It means we offer a choice. Smokers or nonsmokers, we have accommodations for both. We have an obligation to accommodate the consumer, all consumers. That's what it's all about."

ACCOMMODATION. THE NEW SIGN OF THE TIMES.

© 1989 Philip Morris U.S.A.



Figure 2. Full-page advertisement featuring local business representatives praising the Accommodation Program

brochure, for distribution throughout Pittsburgh. In the publication local business representatives praised the program. A restaurant critic commented in an article, "The sign will raise awareness about smoking and non-smoking accommodation and evolve into a universal symbol that patrons will expect to see quietly displayed on a restaurant door" (*PM Plus* 1989b).

Philip Morris may have found Pittsburgh appealing for several reasons. First, as already discussed, the city had the only meaningful tobacco control ordinance in the state of Pennsylvania. Consequently, there was a stable political environment in which Philip Morris could conduct its experiment. The fact that adjoining localities were preempted from duplicating Pittsburgh's ordinance ensured the availability of a control group for evaluating the effects of the marketing program on tobacco consumption. Philip Morris may have chosen Pittsburgh because of its blue-collar image, the "Smoky City" becoming the "No-Smoking City," fearing a domino effect in other "rust-belt" communities (Pollock 1991). Pittsburgh had also been chosen "the most liveable city in the United States," an event that Philip Morris featured in the first issue of *PM Plus* (1989a). Furthermore, the local branches of the voluntary health organizations, potentially powerful sources of political influence in mobilizing support for tobacco control laws and opposition to Philip Morris's test program, were not aggressive in support of Pittsburgh's ordinance. Their lack of strong support for the ordinance may have contributed to Philip Morris's decision to mount the campaign in Pittsburgh.

The Countercampaign

Resistance to the Accommodation Program came from sources who believed that Philip Morris's goal was not to serve the public but to undermine the implementation of the ordinance and preserve the social acceptability of smoking. A key component of this countercampaign was a press conference organized by Godshall and City Councilman Pollock, held four weeks after the launch of the program. Their goal was to form a coalition of health organizations to create controversy around the Accommodation Program and show that the signs Philip Morris was distributing did not meet the legal requirements of the ordinance. Acting for ANSR, Godshall asked the voluntary health agencies, the Allegheny County Medical Society, and the Allegheny County Health Department to participate. These groups declined, claiming that if they participated in a countercampaign the Philip Morris program would have gotten free publicity.

American Lung Association Director Frank Donohue (1991) said that his organization chose not to work with the nonsmokers' rights activists because the "anti-smoking forces in Pittsburgh use tactics as bad or worse than the industry" and that the "[anti-smoking] fanatics discredit themselves." The voluntary health groups may have chosen not to get actively involved because the accommodation philosophy was more palatable than controversy. Indeed, the American Cancer Society issued a statement (undated) that they supported the "Pittsburgh ordinance on smoking which clearly *accommodates* smokers as well as non-smokers" [emphasis added]. It would not publicly criticize Philip Morris. In addition, Dr. Kenneth Rogers of the County Medical Society attended the press conference, but was inadvertently ignored and never introduced.

At the press conference Pollock stated, "The city of Pittsburgh is a test market for the campaign because our ordinance has been so successful" (*Pittsburgh Post-Gazette* 1989c). Also present, at Pollock's invitation, was Director of Public Safety Cannon. The Department of Public Safety was the largest municipal agency in the city; Director Cannon was the most important civic official next to the mayor. Cannon had determined that the Accommodation Program symbol did not meet the sign-posting requirements of the ordinance. Thus, the Accommodation Program logo was not a legal substitute for the No Smoking symbol; the public places that were legally required to post a No Smoking sign under the ordinance were permitted to display the Accommodation Program symbol only if No Smoking signs were also posted. The health department refused to join the coalition but provided Godshall with a mailing list of all restaurants in the city, which he used to inform restaurant owners that Accommodation Program signs were not a replacement for the legally mandated No Smoking logo. This determination was particularly important because it struck at the heart of one of the apparent goals of the Accommodation Program: to replace the international No Smoking symbol with Philip Morris's accommodation symbol.

Godshall also announced that he had filed a complaint with the Federal Trade Commission. He argued that since the Philip Morris program promoted smoking, Accommodation Program advertisements had to have the surgeon general's warning; without the warning the company was violating the Federal Cigarette Labeling and Advertising Act of 1965. The *Pittsburgh Press* reported this story, which may have helped generate controversy around the Accommodation Program (Pollock 1991). The commission did not act on the complaint.

On the same day the press conference was held, Les Zuke, director

of public relations for Philip Morris, flew from New York to defend the program on radio and television. Zuke argued that the Accommodation Program was a service to all Pittsburgh residents and that it had nothing to do with promoting smoking, as the health advocates alleged.

While the press conference was a key step in discrediting the Accommodation Program, it also revealed the strains within the health community on the issue of tobacco control. Between passage of the ordinance and the start of the Accommodation Program, Godshall had moved from the Allegheny County Health Department to become a health educator at the American Cancer Society because, among other reasons, he thought he would have more freedom to pursue his interest in tobacco control. The health department had previously restricted Godshall from representing the department in the public policy process, ostensibly because it used its public relations division for these tasks. Godshall had a verbal agreement with the American Cancer Society that permitted him to be active on his own time and to represent other organizations, particularly ANSR. Subsequently, the Cancer Society threatened Godshall with probation and probable firing if he went through with the press conference on the Accommodation Program. As a consequence of his growing frustration with the lack of political activism on the part of the voluntary health agencies, Godshall sometimes took unauthorized license with his professional affiliation, using American Cancer Society letterhead without authorization, for example. He also continued his activities in support of a variety of tobacco control activities on his own time, including working to preserve the original the state Clean Air Act sponsored by State Senator Dawida. He was eventually fired by the American Cancer Society for his efforts on behalf of tobacco control. His supervisor, Lorraine Shepner, felt he was devoting too much time to the smoking cessation issue at the expense of his performance on assigned tasks.

After his firing, Godshall approached ANSR with the proposal that it be converted from an all-volunteer organization to one with a paid staff, with Godshall as executive director. The ANSR leadership declined this offer, preferring to maintain the existing structure, so Godshall formed a new organization, Smokefree Pennsylvania, so that he could carry on his campaign full-time (Godshall 1991a).

In addition to the press conference, the countercampaign also included a grass-roots effort. ANSR sent out six hundred "action alert" letters to its members, encouraging them to write letters to the editor criticizing the Accommodation Program. Letters to the editor began appearing in city newspapers shortly after the action alert. In July, ANSR wrote letters to all

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participating businesses asking them to remove the decals and discontinue their involvement in the campaign.

The countercampaign received national publicity. In November 1989, U.S. Surgeon General C. E. Koop, criticized the Accommodation Program as "a ploy to convince the public that smoking restrictions were an attack on civil rights rather than a health matter. The Philip Morris campaign is an assault on Pittsburgh's 1988 ordinance" (*Pittsburgh Post-Gazette* 1989d). In January 1990, acting through Smokefree Pennsylvania, Godshall persuaded the Pennsylvania Interagency Council on Tobacco and Health to send a letter to restaurants participating in the Accommodation Program, asking them to remove the stickers. The controversy that resulted from these counterefforts may have altered the public perception of the campaign as a "public service" to an effort to promote Philip Morris's self-interest and undermined the program.

Since February 1990, Philip Morris has not placed Accommodation Program advertisements in the local media. The only remaining advertisement was a billboard on a busy Pittsburgh thoroughfare. However, Burson-Marsteller says that the program is a continuing service. As of January 1991, Burson-Marsteller claimed that 270 businesses had joined the program. Although some signs are still displayed in restaurants and taxis, many have been removed. For example, in January 1990, a year earlier, Smokefree Pennsylvania surveyed every restaurant listed by Philip Morris as a participant in the program; only 46 percent actually displayed the program symbol (Godshall 1991b).

Lessons from the Accommodation Program

The Accommodation Program was a unique attempt by a tobacco company to co-opt not only the implementation of a smoking control ordinance but also the symbol that represents the nonsmoking ideal. The essence of its Accommodation Program was to undermine the ordinance by molding public attitudes towards indoor smoking. The program failed, as evidenced by the fact that Philip Morris never expanded the program to other areas of the country. (In late 1991, Philip Morris promoted the decals to recipients of its "smokers' rights" newsletter [*Smokers' Advocate* 1991]. Whether this is a prelude to a larger campaign is not clear.) The Accommodation Program failed to neutralize the antismoking attitudes that led to the ordinance. The public attitude is particularly important because the enforcement of nonsmoking ordinances relies heavily on voluntary compliance, on the informal actions of nonsmokers insisting

on enforcement, and their willingness to trigger legal enforcement when these informal mechanisms fail. In this context the issue of mandated No Smoking signs in Pittsburgh was particularly important. Posting of No Smoking signs recognized and reinforced the social change that led to the ordinance in the first place. Their presence notified the smoker not to smoke and empowered the nonsmoker to request compliance from violators. This is the essence of successful smoking control ordinances; they are primarily self-enforcing.

The Philip Morris logo, in contrast to the international No Smoking symbol, gave an ambiguous message, which neither inhibited the smoker nor empowered the nonsmoker, thus undermining the intent of the ordinance. If the program had succeeded, smokers would not have internalized "no-smoking" social pressure and they would have been more resistant to informal requests from nonsmokers to refrain from smoking. Nonsmokers would have felt less social support to confront smokers or file formal complaints with the enforcement agency. The power of the international No Smoking symbol contributed to the victory of the ordinance proponents.

The Accommodation Program also attempted to turn the issue of nonsmokers' rights into one of smokers' rights. By using the Chinese symbol for harmony and coexistence, the industry implied that the international No Smoking symbol and the ordinance were contentious and divisive; it used a recognized symbol to mobilize support for the concept that smoking indoors should be tolerated under the auspices of "accommodation." Nonsmokers, it implied, would not be accommodating if they objected to someone smoking indoors. Two factors explain why the program failed, despite the relative silence of the organized health community: the grassroots countercampaign and the absence of continuing economic incentives for participants.

The Accommodation Program itself did not generate controversy as long as Philip Morris controlled the public perception of it; it was made controversial by smoking control advocates using letters to the press, the press conference, television and radio debates, and letters to businesses. As a result, some participating businesses began to question the underlying motives of the program. For example, one local restaurant owner (Meyers 1991), after raising the program in one of Philip Morris's advertisements (see Figure 2), was questioned by some friends and customers about why he was supporting what they considered to be a "staiser" campaign sponsored by a cigarette company. There is no longer an Accommodation Program logo displayed in his restaurant. The owner explained, "The last thing we wanted to do was to promote smoking."

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A lack of continuing economic incentives also contributed to the demise of the program. Some businesses stopped displaying the Accommodation Program symbol when incentives were withdrawn. As long as Philip Morris offered advertising, it found a significant number of local businesses willing to display the logo. With the end of the advertising program, there has been a noticeable decline in the number of active participants. It was also interesting to note that Philip Morris had little success recruiting workplaces into the Accommodation Program; most workplaces would not benefit from the free advertising offered by Philip Morris.

Controversy played a key role in these events: both in how it was regarded and how it was manipulated. Although the voluntary health agencies claimed that they supported the ordinance and opposed the Accommodation Program, it appeared that their internal organizational and ideological commitments prohibited them from plunging into the controversy and taking a more active role. These groups seemed to avoid confrontation, on the grounds that by preserving the status quo they could better maintain their relations with community supporters such as business groups and volunteers through deference to their special interests. Ironically, they had publicly stated their support for nonsmoking initiatives, but their nonconfrontational style inhibited them from taking effective political action. Although the voluntary health groups may not have done so consciously, the marginal role of these groups indirectly undermined the original ordinance and may have encouraged the tobacco industry to use Pittsburgh as a test market for its campaign. The accommodation philosophy seemed to fit well with their perceived role in policy-making. Philip Morris also seemed to have had a sophisticated understanding of the health establishment and the company understood that controversy would discourage these groups from playing a vigorous role in ordinance politics. The tobacco industry is a formidable opponent. However, the industry is not a monolith, as exemplified by its Pittsburgh experience. Despite the inaction by the health community and despite the powerful tobacco lobby, a small group of ordinance proponents succeeded, by using controversy judiciously, in setting the smoking control agenda in Pittsburgh.

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