

# Proposition P: anatomy of a nonsmokers' rights ordinance

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On November 8, 1983, voters in San Francisco passed "Proposition P," a referendum on the city's workplace smoking ordinance which had been enacted by the Board of Supervisors (the equivalent of a city council) six months earlier. The vote marked the first time that the tobacco industry, which has consistently opposed all laws regulating public smoking, had been defeated in such an election contest, and it meant that San Franciscans had approved what was then the strongest workplace smoking law in the country. The ordinance requires that all public and private office workplaces have policies on smoking that seek to accommodate the needs of smokers and nonsmokers. It requires that notice of the policies be given to employees and that appropriate signs be posted. The law is enforced by the city's health department, and civil penalties are imposed on employers who fail to establish reasonable policies.

## WINNING OVER BUSINESS LEADERS

To understand why the ordinance reached the ballot in the form of a referendum, it is helpful to review the process by which it became law. When first introduced before a three-member committee of the Board of Supervisors, in January 1983, the ordinance was strongly supported by Californians for Nonsmokers' Rights (a non-profit organization developing legislative, legal, and educational approaches to curtail smoking in public places and the work-site) and by the health community in general. It drew virtually no opposition. But by the end of the second hearing, the sympathetic committee had reservations about the specific language, partly due to a letter from Robert Beck, a Bank of America vice-president and a leader in the American Cancer Society. Although he expressed strong support for the concept of the ordinance, Beck was concerned that the rigid conditions of certain provisions would adversely affect businesses. The committee asked for a one-month continuance to see if the problems could be ironed out. On the day before the next scheduled hearing, the Chamber of Commerce asked for a meeting with Californians for Nonsmokers' Rights to discuss an alternative proposal by the Bank of America. The bank presented the idea that became the cornerstone of the ordinance and the center of controversy: that every employer be required to establish a smoking policy to satisfy the needs of both smoking and nonsmoking office workers; but if an accommodation satisfactory to the nonsmokers, whatever their number, could not be made, then smoking would be prohibited in that work area. This proposal would give businesses flexibility in solving a problem, but would give employees a statutory right to a smoke-free environment.

In exchange for accepting the proposed compromise

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language, the Chamber of Commerce agreed not to oppose the ordinance. The precise language was hammered out at one further meeting, attended by Supervisor Wendy Nelder, the author of the ordinance, and representatives of Californians for Nonsmokers' Rights, the Chamber of Commerce, the Small Businessmen's Association, Bank of America, and two other banks. The ordinance was passed unanimously by the supervisors' committee in early May. In two required votes by the full Board, the measure passed by 9 to 2 and 10 to 1. It was signed into law by Mayor Dianne Feinstein on June 3. This happened despite intensive lobbying against the law by the DeL Monte Corporation, a subsidiary of RJ Reynolds since 1979, the local attorney for the Tobacco Institute, and even some members of the national Democratic Party who tried to persuade the Mayor to veto the law. In support of the measure were hundreds of telephone calls and letters from San Franciscans. The Mayor later reported that she had received more than 100 letters from people around the country who urged her to sign the ordinance so that their local governing bodies would be encouraged to enact similar legislation.

Shortly before the first vote by the full Board, the Chamber of Commerce broke the agreement not to oppose the ordinance. Since its promised neutral stance had never been publicized, the Chamber of Commerce did not appear to have changed its position. On June 15, six people held a press conference to announce a campaign for a referendum to repeal the ordinance. Having confronted the tobacco industry in two statewide initiative campaigns in 1978 and 1980, proponents of the ordinance knew the real significance of the announcement and were prepared for what followed. Each tobacco industry campaign has certain predictable elements, and the Proposition P campaign followed the usual pattern:

- The major cigarette companies, through their public relations arm, the Tobacco Institute, hire a campaign manager, whose first task is to organize a local organization of "concerned citizens," which then becomes the nominal campaign organization. In a normal political campaign, a group of people forms a steering committee to act as a policy-making body and it, in turn, hires a campaign manager. The tobacco industry does exactly the opposite, because no grassroots or locally financed organizations opposed to nonsmokers' rights legislation have ever been formed. Moreover, the industry seeks total control over policy matters, and the way to accomplish that is to hire its own campaign manager.

- The tobacco companies contribute to the campaign in direct proportion to their respective market shares. This is a key indication that the campaign is actually being run by the industry itself—as a single entity—and not by the local organization.

- The tobacco companies go to great lengths to downplay both the extent and nature of their involvement. They deny that they are doing anything other than making financial contributions to a local campaign organization and they grossly underestimate the amounts of money they are contributing. They also delay in making the largest contributions until the end of the

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campaign so as to minimize any adverse publicity.

- The tobacco companies studiously avoid the subject of the health hazards of second-hand smoke and attempt to steer the debate to such issues as government regulation and the costs to taxpayers of enacting the law. They do this in a manner designed to convince the voters that extremely harmful consequences will necessarily flow from the law. For example, it is usually predicted that smokers will be arrested while rapists and robbers go undetected, that people will be driven out of business, and that vital social services will be shortchanged in order to pay for the law.

- Two important secondary themes are always present to back up the primary arguments: (1) the law represents an attack on civil liberties and denies smokers the freedom of choice; (2) the industry will admit there is a problem but claim the proposed law is not the right solution. Thus the slogan that appeared at the end of TV advertisements against Proposition P: "Proposition P is simply not the answer." The industry position is that to the extent second-hand smoke might be a minor annoyance to a few particularly sensitive people, "common sense" and "common courtesy"—not government regulation—will suffice. This has the double advantage of seeming to be understanding of the problem and at the same time depicting proponents of the law as well-meaning but sadly misguided.

- When the subject of the effects of second-hand smoke cannot be avoided, such as during live debates and press interviews, the tobacco industry representatives will deny there are any health hazards, often misquoting and quoting out of context medical authorities in the process. They will claim that even if some studies show second-hand smoke to be harmful, others do not, and thus the jury is still out. In other words, they imply, virtual unanimity in the medical community is needed before any laws should be passed that would limit smoking.

- The industry uses its economic and political power to secure endorsements from both individuals and organizations.

- On a general level, the industry's best weapon is confusion. As any political analyst will attest, when voting on ballot issues, a confused voter will invariably vote "No." Thus, a common thread running through all the industry's campaign advertising and debating is the attempt to confuse the public.

All of these factors came into play during the Proposition P campaign. The first public move was the press conference to announce that "Citizens Against Government Intrusion" (later changed to "San Franciscans Against Government Intrusion" doubtless when it was realized that the acronym for the name would have been CAGI) would place a referendum on the ballot to repeal the workplace smoking ordinance. The group announced that Jim Foster, the founder of one of the city's gay Democratic clubs (San Francisco has the largest gay community in the United States), would manage the campaign and that, at the group's request, the tobacco industry would contribute \$40,000 to fund their petition drive because of "insufficient time to raise funds locally."

### SLEIGHT OF HAND

None of the people at the news conference had ever testified against the ordinance, and except for Foster, none of them was heard from again during the campaign. A few days later Foster stated in a newspaper interview that he had been recruited for the campaign by the Tobacco Institute's attorney. Another person who lost out on the job later revealed that he had been interviewed by a vice-president of the Tobacco Institute. The \$40,000 figure, which was repeated in every interview on the subject over the next two weeks, was untrue. The industry had pledged more than \$100,000, and, in fact, \$97,000 was spent to put the measure on the ballot. The tobacco industry, however, denied any

involvement in the campaign other than as a financial supporter and at one point stated that subsequent funding by the industry would be contingent on a demonstration of local support. The industry ended up putting \$1,250,000 into the campaign; the local contributions amounted to \$3,300.

The money spent by the "No on P" campaign set a new national record for a local ballot measure (surpassing the \$1.1 million the tobacco industry spent in Miami in 1979 to defeat a similar ordinance). To find out firsthand why the tobacco companies were contributing so much money to overturn a local health regulation, Supervisor Nelder held a press conference early in the campaign to announce that she had sent telegrams to the presidents of four cigarette companies challenging them to debate her on the merits of the law. None replied.

The petition drive itself was a travesty of the democratic process. Since the tobacco industry was not likely to find volunteer signature gatherers, it hired a professional petitioning company from Los Angeles and paid petition circulators as much as \$0.70 per signature. One method used to collect signatures was for the paid circulators to explain that they were merely trying to put the measure on the ballot for a public vote—rather than to repeal a law that had already been enacted. At least two of the paid circulators (who had obtained several thousand signatures between them) were not bona fide registered voters of San Francisco, as required by the election laws. Ironically, when the deceptive practices of the tobacco industry were brought to the attention of the press, they were so confused by the referendum procedure (they could not understand that the tobacco industry put the measure on the ballot in order to repeal an existing law), that they made it appear that the supporters of the ordinance had committed the improper practices.

### OBJECTIVE: HOME RULE

The campaign organization in favor of Proposition P was formed in August under the same "San Franciscans for Local Control." The decision was to make the central issue of the campaign the attempt by a large out-of-state special interest group to overturn a local health ordinance. The organization included representatives from Californians for Nonsmokers' Rights, the San Francisco Chapter of the American Cancer Society, the San Francisco Lung Association, the Sierra Club, and Common Cause, as well as several political activists. The proposition was soon endorsed and supported by a number of prominent individuals and organizations, including the San Francisco Police Officers Association.

Early in the campaign, a local attorney appeared on a television debate with Supervisor Nelder and claimed that imposing restrictions on smoking in the workplace would set a precedent for denying employment to gays on the grounds that they might have AIDS. This was perceived as a crass attempt by the tobacco industry to scare the large gay community, and several gay leaders denounced the tactic. The argument was not raised again, and the attorney never appeared again on behalf of the "No on P" campaign.

The tobacco industry's efforts settled on the following allegations: that the law constitutes government intrusion

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into the private workplace; that the law is unnecessary and the matter of smoking should be worked out privately; and that the law fosters "one-man rule" by giving a single nonsmoker the power to dictate personal behavior by all the other people in the office. One of the first pieces of literature by the tobacco industry told citizens that they should be angry that they were being forced to vote in an unnecessary election, thereby heaping scorn on proponents of the ordinance for what the tobacco industry itself had engineered. They claimed that the law is discriminatory because it applies to all private employees but only 20% of public employees—in other words, city as opposed to state and federal employees. Actually, the City Attorney had determined that the city did not have the power to enforce the law in state and federal offices and, in any event, all state employees were already protected by a state law. The most outlandish allegation came in response to the growing public awareness that the "No on P" campaign was receiving 99.7% of its money from out-of-state tobacco companies. One "No on P" representative charged during a debate that proponents were getting 94% of their money from outside San Francisco, and this absurd claim was continued throughout the campaign.

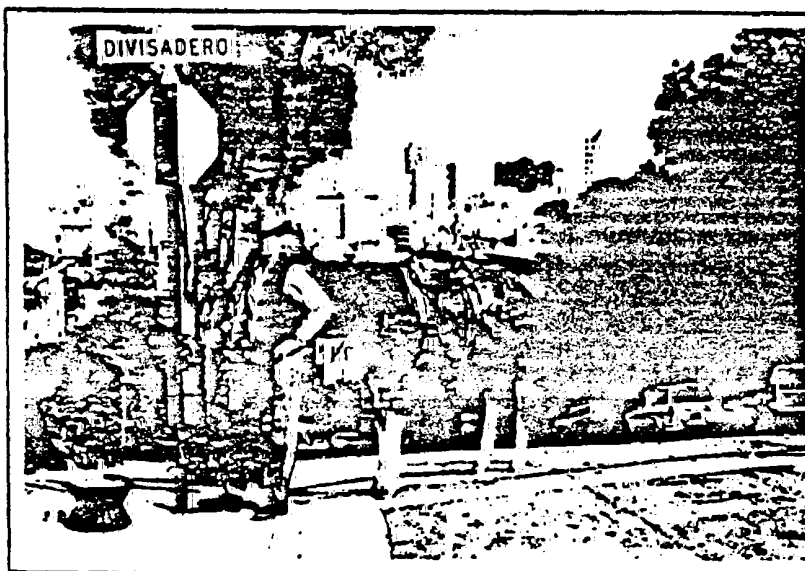
Probably the most important endorsement would be that of the San Francisco Democratic Central Committee. The Committee had solidly supported the two statewide initiatives for nonsmokers' rights in 1978 and 1980, and there

statewide initiative and one of the few to support the 1980 initiative, announced its opposition to Proposition P. Neither the publisher nor his support for nonsmokers' rights had changed, but the perceived threat of the loss of cigarette advertising evidently became overwhelming.

### UNDERSTANDING MASS MEDIA

Proponents of the ordinance developed three key components of their campaign. First, Edgar Spizel, a media consultant and producer of thousands of radio and television commercials, volunteered his services. The "Yes on P" television commercial he created featured a tough-looking cowboy riding a horse on a San Francisco street and decrying the fact that the tobacco companies were spending 99% of the money to overturn the new smoking ordinance. At the end he repeats the campaign slogan: "Tell the tobacco companies to butt out!" (The advertising community named it the best television commercial in Northern California for 1983.)

The second key element was to force the tobacco industry to change the taglines at the end of the "No on P" radio and TV advertisements to say "paid for by the tobacco industry" rather than "paid for by San Franciscans Against Government Intrusion." The Federal Communications Act of 1934 requires broadcast stations to identify the true sponsor of all political advertisements. Using all volunteer attorneys,



**AUDIO** (western music up and under)  
 You know, we San Franciscan's are a proud bunch. We like to do things our own way.  
 So when some folks, like the four leading tobacco companies from out of state, put up 99.5% of the dollars to overturn our new smoking ordinance, well, that just makes me mad.  
 If you're as mad as I am, why not join me in telling these tobacco companies to butt out.  
 Vote Yes on P  
 (music up and out)

seemed to be no reason why they would not endorse the ordinance, particularly since it had the backing of the Mayor. But no one reckoned on just how much pressure would be brought to bear, and the committee endorsed "No on P" by a vote of 15 to 14. Just how much that endorsement meant was brought home the day after the election, when the contact person for the "Yes on P" campaign in the Mayor's office said that her own husband was so confused upon receiving the voting recommendations from the Democratic Central Committee that he almost voted against the proposition.

Perhaps the saddest moment in the campaign came when *The Bay Guardian*, a liberal biweekly newspaper, which had been the only newspaper in the state to support the 1978

headed by Paul Loveday, who had led the two statewide initiative campaigns, proponents put together a 30-page memorandum (and more than 100 pages of supporting documents), which was then presented to all the stations broadcasting "No on P" commercials. Within two days of receipt of this material, KRON-TV, the NBC affiliate and the station with the largest amount of "No on P" campaign advertising, informed San Franciscans Against Government Intrusion that if they did not modify the tagline, the advertisements would be taken off the air. KNBR (NBC radio) followed suit. The tobacco industry then changed the tagline for KRON to read: "paid for by San Franciscans Against Government Intrusion, which is funded by companies in the tobacco industry." They reluctantly agreed

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to this because the wording was visual only and in relatively small type, but they refused to do it for radio and thereby lost their largest radio buy for the last three weeks of the election. This was the first time that any radio or television station in the country had acted to require such a tagline change without having been ordered to do so by the Federal Communications Commission. However, none of the other stations acceded to the request.

The third major component of the campaign, a voter contact mailing program, was where much of the money was spent. While free radio and television time was obtained under the Fairness Doctrine, \$50,000 was put into a mailing program. Three hundred thousand pieces of mail in seven versions were targeted to particular groups within a larger population of probable voters. The two most important mailings were one featuring pictures of six celebrities who had died of cancer and suggesting that they would all vote for Proposition P if they were alive, and one entitled, "The

Big Tobacco Companies Have Lied To You 10 Times," in which 10 lies of the tobacco industry were documented.

As the campaign drew to a close one humorous and telling incident stood out. A week before the election the local public broadcasting station telecast a program focusing on the campaigns for two ballot measures—Proposition P and one aimed at imposing a moratorium on high-rise development. One of the staff people whom the tobacco industry hired for its "No on P" effort was also the campaign manager of the anti-high-rise proposition. It had been assumed that he took the tobacco industry job so he could defray the management expenses for the other proposition, which had a very low budget. Indeed, he spent very little time campaigning against Proposition P, and it is doubtful the tobacco industry was getting its money's worth. As the television show focused on the anti-high-rise proposition, it showed this individual sitting behind a battered old desk, in a spartan room, bemoaning how his barebones campaign

## The basics of beating the tobacco industry

### ISSUES CERTAIN TO ARISE

**Health.** The deleterious effects of secondhand tobacco smoke are the *raison d'être* for any law limiting smoking. Proponents of the law should have a firm grasp of all the relevant evidence, particularly the most reliable studies showing a link between secondhand smoke and serious diseases, as well as other studies that may be less conclusive. Even though the health issue is the one in which the proponents stand on the most solid ground, the tobacco industry can confuse voters (as it has even on the issue of smoking's role in lung cancer and heart disease) by claiming that "proof" is lacking and that more "research" is needed.<sup>1-3</sup>

**Costs.** The tobacco industry will claim that any law that restricts smoking will be too expensive both to government and private industry. The purported cost factors will include the posting of signs, enforcement, and disruption of business operations. The industry will claim that the law will force some businesses to close or relocate. Proponents can safely rely on the experience in communities in which such laws have already been in effect to demonstrate that any costs are negligible.

**Enforcement.** Whether the law is to be enforced by the police or a health authority, the industry will raise the spectre of important criminal or health matters being ignored while smokers are being hauled off to jail. The fact is that the law is intended solely as a recourse in the event of a dispute over the right to

smoke in the presence of others who may be adversely affected. In all places where such laws have been enacted, they have proven largely self-enforcing, and few fines or citations have been issued.<sup>4</sup>

**Government regulation.** The tobacco industry's argument that nonsmokers' rights legislation represents government intrusion into essentially private matters has proven to be an effective weapon. The counter argument must begin with the fact that the law is a measure to protect public health, which is one of the most important functions of government.

**Civil liberties.** The tobacco industry maintains that any infringement on the right to smoke is a violation of civil liberties. (In the black community advertising by the industry suggests that restrictions on smoking are a first step in bringing back segregation.<sup>5</sup> To Miami's Jewish community the tobacco industry warned "Don't let it happen here."<sup>6</sup>) The industry also compares clean indoor air laws to Prohibition. Such a comparison is not difficult to rebut, for there are numerous governmental restrictions on the use of alcohol to protect public health and safety that have almost universal support.

**Scope of law.** No matter how limited or comprehensive the proposed law may be, the tobacco industry will oppose all restrictions on smoking that may cut into cigarette sales. The industry will claim either that the law is discriminatory because it applies to some businesses and not to others or will claim that it is too sweeping and repressive.

**Campaign financing.** The sudden infusion of enormous funds from the tobacco industry to defeat clean indoor air laws will become a major issue in the campaign. The industry never enters a campaign halfheartedly and always provides nearly every penny of the opposition campaign. The proponents of the law must exploit this from the beginning of the campaign and must make the public and press realize that the opposition campaign and the tobacco industry are one and the same. Many of the local contributors to the opposition campaign are also likely to have direct financial ties to the sale of tobacco products.

**Endorsements.** Closely connected with the issue of campaign financing is the question of who supports and who opposes the law. Apart from the tobacco-growing and manufacturing states of Connecticut, Florida, Georgia, Kentucky, Maryland, North Carolina, South Carolina, and Virginia, or New York (where three of the six United States cigarette companies are headquartered)<sup>6</sup> voters will be interested to learn that the opposition is led by out-of-state interests. Moreover, as such legislation gains in popularity, local public figures are increasingly eager to lend their names to the campaign. The contrast between the quality and quantity of local support versus that of the outside tobacco interests is striking.

### CAMPAIGN STRATEGY

**Build a coalition.** Essential to the passage of clean indoor air measures is

was being steamrollered by the highly financed opposition, backed by developers and major corporations. Moments later the same individual was photographed in the elegantly furnished "No on P" headquarters in front of a sophisticated computer, which was putting out information on voter support by neighborhoods.

Despite the huge expenditures and deceitful tactics of the cigarette companies, they were beaten in this campaign because they encountered a resourceful group of nonsmokers' rights advocates who had been through the wringer twice before and who knew what to expect and what had to be done to win. It is hoped that their experience will be of help to people in other communities who might square off against the tobacco industry in the future. The accompanying article on issues to be faced and campaign strategy is designed to provide the basics of running a campaign.

The final tally in the election was 80,740 to 79,481—a remarkable victory in light of the overwhelming odds. As

a result, Californians for Nonsmokers' Rights has succeeded in lobbying other communities throughout California to pass similar laws, the most recent of which is Los Angeles, whose strict ordinance was signed by Mayor Tom Bradley exactly one year after the vote on Proposition P. Perhaps with the possibility of a chain-reaction in mind, the tobacco industry tried one last desperate measure after the election. On the following Sunday the industry ran a full page newspaper advertisement complaining that the close vote was not sufficient to warrant imposition of such a controversial law and asking people to urge their legislators to amend Proposition P. The cigarette companies should have saved their money, for by placing the referendum on the ballot they had insured, under the terms of the City Charter, that the law could not be touched for a year. By that time, a news story in the anti-regulatory *Wall Street Journal* (August 15, 1984) would be pronouncing the law a success.

a broad base of support among constituencies such as health agencies, environmental organizations, and public interest groups. Environmentalists appreciate learning or being reminded that tobacco smoke is the largest contributor to indoor air pollution. Getting as many people from different organizations involved as early as possible gives them the feeling that they are part of the decision making process and gives their organizations a stake in the campaign.

**Campaign staff.** With the exception of a close-knit community where it is still possible for local values to prevail against commercial pressures from outsiders, a campaign cannot be run against the tobacco industry without a competent full-time staff. It is important to hire people who are committed to the issue.

**Fund-raising.** Although it is not possible to compete dollar-for-dollar with the tobacco industry for campaign money, there may be no need to. The tobacco industry can be beaten, even when it outspends the opposition by 10 to one. On the other hand, a minimum amount of money must be raised in order to run a creditable campaign. This means mounting a full-scale fund raising effort using both direct mail and person-to-person contact.

**Campaign focus.** The most effective issue for proponents of a local or state nonsmokers' rights law is the involvement and virtually complete financing of the opposition by the tobacco companies. The proponents' campaign should never focus on the tobacco industry's theme song of costs, enforcement, and government intrusion. A campaign that can focus the voters' attention on its issues (in

this case, health and tobacco industry money) will stand a good chance of winning; a campaign that spends its time answering charges by the other side will inevitably lose.

**Endorsements.** It is important to secure key local endorsements early. Many subsequent endorsements will depend on who has already endorsed the initiative. Some individuals who may have no strong opinion on the issue may give their endorsement to the first person who approaches them with a reasonable presentation. Police, sheriffs', and firefighters' organizations have been prime early targets of the tobacco industry. For the proponents, enlisting the full commitment of the local medical association and specific physician-spokespersons and other health professionals for hearings, press conferences, and other public activities is imperative. Regrettably, there are too few physicians with sufficient political and media experience.

**Fairness time.** The tobacco industry will flood the airwaves with advertising. Nevertheless, the law requires that all radio and television stations must give each side of a ballot measure fair time (but not equal time) to present its views. Some stations attempt to fulfill this obligation by giving the "poor" side of a campaign a chance to present its views on an off-hours public affairs program, but others will give between one-fourth and one-third of the advertising time purchased by the tobacco industry. The effort to obtain this time should begin early, and legal advice should be obtained on how to pursue it most effectively.

**Radio and television taglines.** By law

every radio and television advertisement must identify the source that paid for it. In seeking to defeat clean indoor air measures, the tobacco industry invariably organizes under a misleading name of an apparent local group (for example, "FAIR, Floridians Against Increased Regulation"). A challenge can be made to the use of such a name as the true sponsor of the advertisements. Even if the effort does not succeed in forcing a change in tagline, it can generate a great deal of journalistic scrutiny which will further highlight the issue of tobacco industry involvement.

**Investigation of tobacco industry claims.** Claims by the tobacco industry concerning the costs of implementing and enforcing the legislation as well as the "evidence of medical experts" should be fully investigated and exposed for whatever fraud is present. For example, tobacco industry claims relating to medical evidence often involve either a misquote or a quote out of context. It is important that the press and public be made aware of any such fraud as early and often as possible.

## REFERENCES

1. *On Tobacco: 21 Questions and Answers.* Washington, DC, The Tobacco Institute, 1981.
2. *The Smoking Controversy: A Perspective.* Washington, DC, The Tobacco Institute, 1978.
3. *The Facts About... Public Smoking.* Winston-Salem, NC Reynolds Tobacco Co, 1976.
4. Kahn PL: The Minnesota Clean Indoor Air Act. *NY State J Med* 1983; 83:1300-1303.
5. Tate Jr CF: A physician-led referendum for cleaner air in Florida. *NY State J Med* 1983; 83:1302.
6. Blum A: Cigarette smoking and its promotion: editorials are not enough. *NY State J Med* 1983; 83:1245-1247.

**LIE #1:**

The Tobacco Industry lied about why Proposition P is on the ballot.

The industry claims San Francisco faces "an another unnecessary vote on Proposition P" and argued Proposition P was put on the ballot by its supporters.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** The tobacco industry is responsible for this unnecessary vote.

When the San Francisco Board of Supervisors adopted the workplace smoking ordinance on a vote of 10 to 1, smokers and nonsmokers throughout the city praised the law as over-harsh and too far. The tobacco industry, sensing the law might have an effect on its sales, paid to put Proposition P on the ballot. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**LIE #2:**

The tobacco industry lied about government's role in enforcing Proposition P.

The industry claims Proposition P is a self-enforcing law.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** Proposition P is an entirely self-enforcing law.

Proposition P is a self-enforcing law because it does not require enforcement by government officials. The law is self-enforcing because it is a workplace smoking ordinance.

**LIE #3:**

The tobacco industry lied about who is affected by Proposition P.

The tobacco industry claimed Proposition P is discriminatory because it covers all private employees but only 20% of public employees.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** Proposition P does not cover all private employees and does not exempt government employees.

The ordinance covers only office employees. It does not apply to construction workers, service employees or retailers. Proposition P did exempt all local government offices. State office employees already are covered by a similar law. What the local government must do is to enforce its own office smoking ordinance. Proposition P is not discriminatory. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**LIE #4:**

The tobacco industry lied about the use of public funds.

The industry claims Proposition P will cost nothing to the taxpayer.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** Proposition P will cost nothing to the taxpayer.

Proposition P is a self-enforcing law and does not require enforcement by government officials. The law is self-enforcing because it is a workplace smoking ordinance.

**LIE #5:**

The tobacco industry lied about workplace discrimination.

The tobacco industry claimed that women and people of color are not covered by the law. The industry claims that women and people of color are not covered by the law.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** Proposition P does not promote workplace discrimination.

All office workers are covered by Proposition P from the highest paid executive to the lowest paid clerical worker. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**LIE #6:**

The tobacco industry lied about employee bargaining rights.

The industry claims Proposition P broadens employees' bargaining rights.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** Proposition P broadens employees' bargaining rights.

Proposition P is a self-enforcing law and does not require enforcement by government officials. The law is self-enforcing because it is a workplace smoking ordinance.

**LIE #7:**

The tobacco industry lied about the City Attorney's role.

One of the tobacco industry's battle arguments concerns the role of the City Attorney. The industry claims that the City Attorney is investigating cigarette smoking instead of processing the many legal suits filed in the city.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** The City Attorney will not investigate cigarette smoking.

Proposition P is a self-enforcing law and does not require enforcement by government officials. The City Attorney's role is to enforce compliance with Proposition P. The City Attorney's workload will not be affected. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**LIE #8:**

The tobacco industry lied about the effects of second-hand tobacco smoke.

The industry claims Proposition P will protect people from second-hand tobacco smoke.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** Second-hand smoke can be deadly!

Second-hand smoke is a leading cause of lung cancer and heart disease. It is also a leading cause of asthma and other respiratory problems. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**LIE #9:**

The tobacco industry lied about its petitions.

The tobacco industry claimed the 40,000 signatures they gathered on petitions represents a great deal of interest on the part of the voters in putting this issue on the ballot.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** The tobacco industry had to pay its petitioners to put Proposition P on the ballot.

In all, the tobacco industry had to pay professional signature-gatherers \$117,000 just to get the measure on the ballot. That is nearly \$3.00 for every signature they received. In fact, the petitioners who received a total of \$15,000 to gather signatures were asked to vote in San Francisco just days before the signature period began. Once that period was over, the two companies were requested to vote in San Diego in order to collect signatures for another initiative campaign. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**LIE #10:**

The tobacco industry lied about its local support.

The industry claims Proposition P has local support.

Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

**TRUTH:** There is little opposition to Proposition P.

More than 90% of the 200,000 voters who voted on Proposition P in 1989 voted in favor of the measure. Source: "The Tobacco Industry's Propaganda Campaign," September 26, 1989.

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