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MEMORANDUM

February 10, 1988

To: Samuel D. Chilcote, Jr.
From: Roger L. Mozingo 
Subject: "Operation Downunder"

OVERVIEW

On January 4, 1988, the Executive Committee approved the general concept of Operation Downunder and requested staff examination of the proposal in detail.

As presented at recent meetings of the Executive Committee and the Communications Committee, State Activities has earnest concerns about the message, methods and potential negative legislative impact of Downunder. Principally, Downunder briefings and documents have not demonstrated that the project will have the intended results.

Before embarking on an extremely important and costly project of this type, we believe the following questions require closer scrutiny:

- Is there data suggesting that smokers want the industry to take the accommodation/segregation approach? Have discussions been held with representative groups of smokers? Rather than educating smokers on the "soft" message of accommodation (segregation), has research delved into the possibility of educating smokers toward a more aggressive stance, i.e., the formation of smokers' rights groups and political action?
- Is there information available illustrating that the media, legislatures and other "special publics" will be receptive to this widely advertised industry approach?
- Along those same lines, has research indicated that the Downunder message of accommodation/segregation will not be considered by the media and others as: (1) no news, (2) an industry cave-in, (3) a confusing signal or (4) a cynical attempt to divert the issue from ETS and other concerns?
- Is research available that illustrates the Downunder message can overcome much of the long-term animosity toward the industry which stems, perhaps, from perceptions about the primary smoking issue?

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Sufficient research and study of these questions is essential before the industry proceeds with such an important undertaking. Further, this plan should be one in which the industry's legislative concerns are taken into account and addressed fully. Downunder material we have seen does not outline a legislative component budget or organizational plan past basic one-hit contact with various allied groups.

We, therefore, agree with the February 3, 1988, recommendation of the TI Communications Committee that a "Downunder study group" -- consisting of member-company representatives and members of the TI State Activities and Public Affairs staffs -- work to develop a refined plan.

THE MESSAGE

It should be made clear that State Activities is in agreement with the basic premises of the project. Those concepts are, in fact, messages and ideas The Institute has been pursuing for some time:

- 1...Provide smokers with a positive feeling about themselves and their custom through alleviation of the "second-class citizen" treatment many smokers face in public places.
- 2...Improve the general public perception of smokers, smoking and the tobacco industry.
- 3...Improve the current legislative climate on the issue of public smoking and other issues touched by the controversy.
- 4...Foster an atmosphere in the private business community that encourages the rights of both smokers and nonsmokers.

What follows is an expansion on some of our key concerns:

- . The principal theme of Downunder would appear to be accommodation of smokers and nonsmokers alike. Yet, there is limited data in the report to suggest that voluntary accommodation by private employers would be accepted by a large majority of the public or would pacify legislators. Downunder research does suggest that segregation meets with the approval of 80-percent of the public. There is a subtle, yet vital, distinction.
- . If the industry argues private industry accommodation of smokers and nonsmokers (as we have for some time), it can continue to work against legislative attempts to restrict smoking. If the industry argues for segregation, however, that ability is weakened, if not lost. A segregation profile raises the "ground floor" legislatively and otherwise; i.e., it raises the base of the restriction argument from the current zero restrictions up to a minimum of separate sections.

- . Even over the short run, it is likely that anti-smoking advocates will continue to argue forcefully that segregation isn't enough; i.e., even tighter restrictions or bans are needed. Ironically, the recent airline smoking ban battle occurred despite an existing airline policy which "accommodates" (and segregates) smokers and nonsmokers. Apparently, the ban was adopted largely on the question of annoyance, with an underlying "health" justification.
- . We believe a message of segregation could be misinterpreted by media, lawmakers, business and allies. Downunder emphasizes voluntary compliance with the idea of smoker/nonsmoker segregation. Once this position has been heavily publicized, however, there would be a fine line between reaching the segregation goal through voluntary means or through legislative mandate.
- . Should separate sections become industry policy, work in the area of ventilation and general indoor air quality could become less productive and, perhaps, meaningless.
- . Other concerns:
 - ... A perceived signal of "weakness" from the industry may create confusion among traditional tobacco allies.
 - ... A misinterpretation of the accommodation message could lead to immediate negative legislative repercussions in states and localities where workplace and restaurant restriction issues have not been addressed to a significant degree.
 - ... Rather than putting anti-smoking leaders on the "fringe," a message of segregation could bolster the resolve of antis within legislatures, the media, science, medicine, law and public interest groups.
 - ... The Institute has in place an effective means by which it communicates reasonable smoking policies to private businesses. A segregation message may well render that work less productive.

COMMENTS AND SUGGESTIONS ON DOWNUNDER METHODS

- . The emphasis on a nationwide advertising campaign may have negative legislative and other ramifications.
- . Targeted advertising, coupled with strategic use of direct mail techniques, however, could be beneficial. For example, "there is no need for laws" ads in areas considering smoking restriction legislation could be used to our advantage.
- . Further, increased mailings (and appropriate follow-up) to

businesses could illustrate to lawmakers that businesses -- as responsible corporate citizens -- are working voluntarily to accommodate the wishes of smokers and nonsmokers.

- . Downunder material suggests massive constituent group contact explaining the new message. The idea of communicating more effectively with existing and potential allies has great appeal. But we would prefer to see such communication centered on current legislative needs and to private business with offers of assistance to establish reasonable policies.
- . We concur with the Executive Committee view that model legislation should not be part of this program.
- . We understand Downunder research indicates that our views on the question of ETS, as scientifically correct as they are, tend to fall on deaf ears. Obviously, our credibility remains in question with many.

... However, the ETS health question must be addressed forthrightly in some manner. It is our experience that ETS and/or the primary smoking issue is an underlying factor (if not the primary factor) in every smoking restriction bill and with every employer considering a ban or restriction policy. We simply cannot ignore that fact; and, frankly, Downunder is unclear on how to address the issue.

... We suggest that our success in broadening the issue to ventilation and the general topic of clean indoor air can continue to work. The message is easily understood by lawmakers, the media and the general public. Through credible experts at our disposal, we can continue to make an effective argument that "(a) the bulk of current ETS science is shoddy and (b) even if you don't see the problems and contradictions in the scientific evidence before you, ETS is a very minor part of the overall indoor air quality problem."

cc: William Kloepfer
Robert J. Lewis