



The Fraser Institute: Economic Think Tank or Front for the Tobacco Industry?

**What Canadians should know about The Fraser
Institute's junk conferences on risk assessment
and tobacco control**

April 1999

“The public relations campaign, while designed as a way to protect the companies, eventually became an attack not only on scientific data, and the scientists who produced it, but an attack on science itself. That is, to make their point, the tobacco public relations people needed to devise arguments that attack the credibility of the methods of science and the basis in reason from which they spring.”

Philip J. Hilts, former science and health policy specialist with *The New York Times*, from *Smokescreen: The Truth Behind the Tobacco Industry Cover-Up*. Philip Hilts broke the story of the secret Brown & Williamson documents in *The New York Times*. These documents exposed the tobacco industry’s massive disinformation techniques, triggered Congressional inquiries and opened the door for the massive lawsuits which have been directed at the American and Canadian tobacco industries.

A JOINT STATEMENT ON THE REAL MASTERS OF JUNK SCIENCE

“The public relations campaign against tobacco regulation now being supported by Canada’s Fraser Institute is a classic example of the tobacco industry’s decades-long effort to confuse the media and the public about the risks of tobacco industry products and second-hand smoke. In particular, the attempt to undermine the scholarship and credibility of institutions like the reports of the U.S. Surgeon General, the U.S. Environmental Protection Agency and the World Health Organization is nothing more than an attack on epidemiology, indeed upon science itself.

What is difficult to comprehend is why the Fraser Institute would put its credibility on the line by becoming allied with the tobacco industry’s latest efforts to either misinform the public or to undermine credible scientific authorities. At best, working hand-in-hand with tobacco manufacturers on conferences about ‘junk science’ and tobacco industry regulation calls into question the ethics and judgement of the Fraser Institute. But getting into bed with the international masters of the use of ‘junk science’ and disinformation to block public health reform is cavalier and irresponsible.”

Mary Jane Ashley, MD, FRCP(C),
Professor of Public Health
Department of Public Health Sciences, and
Chair, Expert Committee,
Ontario Minister of Health’s Advisory Panel on the
Review of the Ontario Tobacco Strategy

Professor Stanton A. Glantz,
Professor of Medicine
University of California, San Francisco,
Lead editor of *The Cigarette Papers*, the analysis and
review of the secret Brown and Williamson
Tobacco Corporation papers;

James Repace, Physicist and
policy analyst (retired) at the
United States Environmental Protection Agency, and
author of 30 scientific publications on environmental tobacco smoke in
peer-reviewed scientific journals and monographs.

I JUNK SCIENCE? JUNK POLICY? OR JUST JUNK CONFERENCES?

On April 29th and May 13th, the Fraser Institute will convene conferences in Ottawa. The first conference, “Junk Science, Junk Policy? Managing Risk and Regulation,” promises to focus attention on “the relentless pursuit of a ‘zero risk’ society” and produce a “framework” for “sensible public policies.”

It is inherently risky, says the Institute in its advertising for the conference, “to breathe, eat, drive, walk, work, invest and play.” In a perfect recitation of tobacco industry hyperbole, the Institute ignores the fact that all of these supposedly risky activities can be undertaken without harm. It is only tobacco industry products that kill when used exactly as the manufacturers intend.

The second conference, “Should government butt out? The pros and cons of tobacco regulation,” promises to provide insight into “what public policy should be toward this still-legal product that remains a habitual pleasure for one-third of Canadian adults.” Once again, using industry catchphrases, the Fraser Institute conveniently ignores what the tobacco industry also chooses to deny, that the “pleasure” of smoking is linked pharmacologically to the relief of stress that occurs when the required drug dose is administered to the addicted smoker’s system. And, of course, no mention is made of the fact that over 70 percent of smokers would like to abandon the so-called “pleasure” of tobacco addiction and would prefer to exit the tobacco market.

All is not what it seems

At these conferences, the Fraser Institute promises informed “debate” and the objective discussion of issues surrounding these topics. This, at least, is what the conference organizers would have interested parties believe. But the tobacco industry has a long history of working with friends to convene show conferences in order to create doubt and confusion. One secret tobacco company document said what all of the manufacturers know:

“Doubt is our product since it is the best means of competing with the ‘body of fact’ that exists in the mind of the general public. It is also the means of establishing a controversy. If we are successful at establishing a controversy at the public level, then there is an opportunity to put across the real facts about smoking and health.”

The *modus operandi* then is to create doubt and promote confusion and controversy, largely through attacks on legitimate science. All of this is achieved when show conferences permit the publication of conference proceedings outside the normal, scientifically valid, peer-review process.

Are “experts still debating” about tobacco risk assessments? If they are, it may only be because some supposed experts are taking large sums of money from the industry to throw doubt on what would otherwise be a scientific consensus.

The reports of the U.S. Surgeon General are state of the art research related to tobacco risks. Here is how U.S. Surgeon General Everett Koop described his experience with industry attacks on the science of tobacco risk and scientific consensus:

“In the course of my own annual press conferences on the release of the Surgeon General’s report to Congress, I frequently spoke of the sleazy behaviour of the tobacco industry in its attempts to discredit legitimate science as part of its overall effort to create controversy and doubt. Well-funded tobacco interests attacked (and continue to attack) not only the surgeon general, but also the Environmental Protection Agency, the Food and Drug Administration, the Occupational Safety and Health Administration and individual scientists who are working to end the scourge of tobacco.”

from the Foreward to
The Cigarette Papers

This, we believe, explains the real purpose of the Fraser Institute conferences. This brief will try to provide background so that the reader may better understand the game that is being played.

II THE FRASER INSTITUTE

The Fraser Institute purports to be an “independent Canadian economic and social research and educational organization.” Its goal, it says, is to focus attention on “competitive markets in providing for the well-being of Canadians. Where markets work, the Institute’s interest lies in trying to discover prospects for improvement. Where markets do not work, its interest lies in finding the reasons.”

All of this will be accomplished, the Fraser Institute proclaims, by “documenting objectively” the harms caused by — of course — “government intervention.”

This brief will also show that the Vancouver-based Fraser Institute is neither “independent” nor objective with respect to tobacco control issues. Nor does the Institute take steps to expose the absence of a competitive marketplace where the tobacco industry is involved. In fact, even with the most extravagant leap of imagination, it would be difficult to explain how these conferences will contribute to “the well-being of Canadians.”

III THE FRASER INSTITUTE'S DOUBLE STANDARD ON FREE-MARKET SOLUTIONS

The Fraser Institute expresses a commitment to free and competitive markets. Let's look at how this commitment plays out where the tobacco industry is involved.

The Canadian tobacco industry is a classic oligopoly that has historically depended on cosy relationships with governments and a pattern of anti-competitive practices to achieve phenomenal rates of profit. A single company, Imperial Tobacco Ltd., has a cigarette market share of close to 70%, and price competition between it and its two "competitors," RJR-Macdonald and Rothmans, Benson & Hedges is nonexistent. Imperial is controlled by London-based British American Tobacco which recently announced plans to buy Rothmans International. But for a threat of Competition Bureau intervention, this transaction would leave Imperial with 90% of the Canadian market. Free-market solutions indeed!

Canadian cigarette companies pay a significant premium on market prices for raw tobacco. This keeps a large number of Ontario tobacco farmers in business and provides political cannon-fodder for attacks on public health measures. In an effort to buy support among trade unions and to decrease the chances of developing a whistle-blower or two, the industry also pays well above the going rate to its executives and plant workers.

Most important of all, Canadian tobacco companies have refrained from any competition whatsoever on the basis of product safety. For decades, they have abided by an international "gentlemen's agreement" to suppress research on smoking and health issues. In doing so, they have undermined the free market and denied consumers the right to choose cigarettes based on the degree of damage to their health - assuming the doctrine of consumer sovereignty has any meaning in the context of a highly addictive drug like nicotine.

The Fraser Institute's willingness to serve as a forum for the tobacco industry's disinformation campaigns on secondhand smoke demonstrates a complete disregard for its professed concerns "for the well-being of Canadians." Additionally, the Institute's unthinking support of an oligopoly suggests an absence of any real commitment to its stated free-market principles. However, given the tobacco industry's financial support of the Fraser Institute (see below), it does confirm the truth of another market principle: he who pays the piper does indeed call the tune.

IV THE FRASER INSTITUTE'S LINKS WITH THE TOBACCO INDUSTRY

The issue of independence

The Fraser Institute professes to be “independent.” But independent may not be the best way to describe the Fraser Institute’s relationship with the tobacco industry. Brian Levitt, President and CEO of Imasco Limited is on the Institute’s Board of Trustees. As would be expected, Imasco is a major financial contributor to the Institute. Imasco also wholly owns Canada’s largest tobacco company.

One of the two Fraser Institute conferences is being run by the Institute’s Social Affairs Centre. According to Fraser Institute sources, when money could not initially be found to start the Centre, the staff went to New York and secured funding from Philip Morris. Then Rothmans International in the U.K. became another funder of the Centre.

The Centre is now trying to secure funding for one of the conferences through a mailing to restaurateurs and corner store operators but, if this solicitation is not successful, Rothmans will provide a “substantial contribution.” But that, we were told, “is on the QT.”

The Fraser Institute’s attempts to manipulate the media on tobacco

Key tobacco industry strategy documents were forced into the public domain as a result of the settlement between the state of Minnesota and the tobacco industry. One previously secret internal document discussed “Journalistic integrity on ETS (environmental tobacco smoke) and other controversial science and health matters.” Section B, “Criticize Science Reporting” reads:

“This program involves ‘chastising’ the journalism community for its handling of controversial scientific issues including ETS.”

Subsequent to the formulation of this industry strategy, the Fraser Institute published a lengthy article which was critical of media coverage of the tobacco industry and tobacco issues in Canada. The Institute either was urged to complete this embarrassingly biased study by its tobacco industry benefactors or it completed the study on its own initiative, which would not speak well of its scholarship. Whatever occurred, the article argued for a reduction in the coverage that the Canadian media gives to the health side of the tobacco issue. In the trade-off between the interests of the industry and support for disease prevention, a better break was being urged for the promoters of disease.

The two Ottawa Fraser Institute conferences are the latest planned attempts to support the tobacco industry, even if it means confusing the public, manipulating the media and undermining support for public health reform.

V THE TOBACCO INDUSTRY'S JUNK CONFERENCE AT MCGILL

The concern about environmental tobacco smoke (ETS)

Why, one might ask, are the manufacturers so concerned about ETS and about undermining the scientific research now available on ETS? Why work with others to set up conferences and publish books attacking the evidence on ETS? And why send paid consultants across Canada on book tours about books on ETS? Why go to such bother?

For two reasons. First, ETS has a huge potential to damage tobacco markets. One secret Philip Morris USA memo, obtained in the discovery process during litigation, and entitled "Impact of workplace restrictions on consumption and incidence," says

"Total prohibition of smoking in the workplace strongly affects industry volume. Smokers facing these restrictions consume 11% - 15% less than average and quit at a rate that is 84% higher than average."

If you are looking for a motive that might explain the industry's behaviour, the above may be sufficient.

The second reason emerged from a secret poll conducted by the Roper Organization conducted for the U.S. tobacco industry. The poll says:

"The anti-smoking forces' latest tack, however — on the passive smoking issue — is another matter. What the smoker does to himself may be his business, but what the smoker does to the non-smoker is quite a different matter...This we see as the most dangerous development to the viability of the tobacco industry that has yet occurred."

The only way that the industry can counter the non-smoking public's aversion to involuntary risks is to attack the science. And a good way to attack the legitimacy of the science, when industry-friendly consultants are having trouble getting the corporate line published in peer-reviewed journals, is to hold conferences where you invite those paid consultants and publish non-peer-reviewed "proceedings." It is an even greater luxury if your friends will hold the conferences for you.

One such conference was held at McGill University on November 3-4, 1989. The tobacco industry speaks glowingly of the McGill Conference in a document on industry consultants marked "Privileged and Confidential, Attorney Work Product." The event was sponsored by the tobacco industry and Healthy Buildings International (HBI), a Fairfax, Virginia company that for a number of years was on a \$20,000 a month retainer from the U.S. Tobacco Institute.

Healthy Buildings International later came under some fire. It was the subject of investigations, including one by grand jury. One report to congressional investigators said that HBI conclusions were “marred by unsubstantiated data, discrepancies, and miscalculations” The same report said the review raises “serious questions of scientific fraud” (Morton Mintz, “Smokescreen: Second-hand money,” *The Washington Post Magazine*, March 24, 1996).

The McGill Conference was stacked with tobacco industry consultants including Peter Lee, Lawrence Holcomb, Gio Gori, Roger Perry, Nathan Mantel and Gray Robertson. The conference organizer was Canadian tobacco consultant Professor Donald J. Ecobichon of McGill.

The tobacco industry published the proceedings of the conference and distributed the 389 page text to media and libraries in Canada and around the world. Although the papers were not peer-reviewed, they ended up being cited as industry evidence as if the McGill Conference had been some kind of “significant scientific assembly” (Rob Cunningham in *Smoke & Mirrors: The Canadian Tobacco War*).

As we expected, the Fraser Institute plans to publish the proceedings of the Ottawa conferences. Distribution to the industry disinformation system will inevitably follow. The Ottawa conferences will follow the pattern for the McGill Conference, Imperial College Conference, and conferences in Lisbon, Hanover, Budapest and Milan.

And, just as Canadian health groups experienced following the McGill Conference, government bureaucrats and health officials from around the world will telephone health officials in Canada and ask for background on the Ottawa conferences and their supposed “findings”. Thanks to the Fraser Institute, the disinformation campaign will grind on.

THE PHILIP MORRIS “WHITE COAT PROJECT”

One of Philip Morris’ campaign plans to counter the ETS threat was the “White Coat Project.” A summary of this campaign plan was discovered in a court document made public as a result of litigation in the USA (See Appendix A). The tactics call for the restoration of “smoker confidence” and the reversal of the “scientific and popular misconception that ETS is harmful.” This, of course, is the generic strategy that speakers like John Luik and Gio Gori are implementing.

VI PROBLEMS IN ASSEMBLING THE CONFERENCE PROGRAMMES

When the conference organizers were assembling the April 29th and May 13th programmes, some individuals were listed as speakers before they had agreed to participate. For example, one journalist accepted the invitation to join a panel on the mistaken belief that the programme was balanced and legitimate. Health Canada speakers were listed as participants, as were health organization officials like Garfield Mahood and Dr. Andrew Pipe. None of the above accepted the Fraser Institute invitation. After being informed of this, the journalist in question withdrew from the panel.

In order to continue to give the appearance of fairness and balance to the May 13th conference, and perhaps to hold out the hope of a lively debate between Mahood and tobacco consultant John Luik, the Fraser Institute pamphlet went to press, according to our source, after Mahood had declined the invitation in writing. The Fraser Institute created the impression among potential participants and registrants that officials from the health community were scheduled for this event. In fact, the conference organizers had to have known that these officials had not confirmed or would not confirm. This may be a standard of behaviour to which the tobacco industry is accustomed. It is not the kind of behaviour that one might hope for from the Fraser Institute.

VII BACKGROUND ON SOME OF THE FRASER INSTITUTE SPEAKERS, INVITED AND CONFIRMED

Why who pays the piper matters, if it isn't obvious

Tobacco industry consultants claim that their relationship with their paymasters is irrelevant, that the source of their income does not influence their work. There are at least two responses to that. First, in the last two years, millions of tobacco industry documents have been forced into the public domain as a result of litigation in the United States. These papers show, among other things, that tobacco consultants played a significant role in the industry-wide conspiracy to deceive the public on almost every tobacco issue and policy. The pattern of deception has been exposed.

There is also evidence of this influence in the scientific literature. For example, in the May 20, 1998 issue of the *Journal of the American Medical Association*, authors D.E. Barnes and L.A. Bero reviewed 106 studies on environmental tobacco smoke. The authors discovered:

“overall, 37% (39/106) of reviews concluded that passive smoking is not harmful to health; 74% (29/39) of these were written by authors with tobacco industry affiliations. In multiple logistic regression analyses controlling for article quality, peer review status, article topic, and year of publication, the only factor associated with concluding that passive smoking is not harmful was whether an author was affiliated with the tobacco industry . . .”

Conclusions - The conclusions of review articles are strongly associated with the affiliations of their authors (emphasis added).

Bluntly speaking, it matters greatly where John Luik, Gio Gori, Jacob Sullum and other conference speakers get their income.

Gio B. Gori

Speaking on May 13th Conference

Despite his background at the National Cancer Institute, Dr. Gori has served as a tobacco industry consultant since 1980. And his sympathy with the industry goes back even further. A 1973 Brown & Williamson Tobacco Corporation (B&W) memo, introduced as evidence in the Minnesota trial between the state and the industry, provides useful history. The secret memo, by I.W. Hughes who later became chairman of B&W, says, “Gori very bluntly asked, was it not possible for the tobacco lobby in Congress to use its influence to get Gori appointed to the position, bearing in mind that he is a reasonable man and sympathetic to the industry.”

An article in *Nature* (August 13, 1998) reviews other trial documents which reveal industry payments to authors who submitted letters to scientific journals but who failed to reveal a conflict of interest. Gio Gori was paid US\$4,000 for one such letter published in the prestigious medical journal *The Lancet* on 10 April 1993.

The article in *Nature* says:

“Richard Horton, editor of *The Lancet*, says his reaction is one of ‘disgust’. Gori, he says, ‘has breached a bond of trust as a scientist between himself and the scientific community.’ This, adds Horton, ‘is at best unethical and at worst an example of research misconduct.’ Horton draws a distinction between an author receiving acknowledged support for continuing work and entering into a quid pro quo letter contract. ‘This is a project to seed the literature with a particular point of view for a defined sum of money ... That’s what I find so appalling.’”

Gori’s relationship with the tobacco industry is discussed at length in the book *The Cigarette Papers*.

John Luik

Speaking at April 29th and May 13th Conferences

John Luik is one of the world’s most widely-utilized tobacco consultants. His latest activity is the co-authorship with Gio Gori of a book that attacks the science of the U.S. Environmental Protection Agency and the EPA conclusion that secondhand smoke is a Class A known human carcinogen.

James Repace, one of the world’s leading authorities on environmental tobacco smoke, and an analyst at the EPA for seventeen years, comments on *Passive Smoking: The EPA’s Betrayal of Science and Policy* at Appendix B. Repace says:

“You have asked me to comment on the book *Passive Smoke: The EPA’s Betrayal of Science and Policy*, by Gio Gori and John Luik, the Fraser Institute, Vancouver, 1999. These tobacco industry consultants accuse the United States Environmental Protection Agency of engaging in a ‘corrupt misuse of science,’ a ‘conspiracy of public disinformation’ and ‘deception’ in its 1992 Report which concluded that secondhand smoke was “a known human carcinogen . . .

. . . Gori and Luik, simply repeat erroneous tobacco industry pseudo-scientific arguments (cloaked in ad hominem invective) which have been analyzed and rejected by mainstream science. A point-by-point rebuttal would require a lengthy effort, which I am prepared to undertake if necessary . . .

... On one side, the EPA Report on Passive Smoking is just one of a sea of authoritative reports by expert panels of the Surgeon General, the National Academy of Science, the International Agency for Research on Cancer, the National Institute for Occupational Safety and Health, the EPA's Science Advisory Board, the Occupational Safety and Health Administration, the California EPA, the National Cancer Institute, and the U.S. National Toxicology Program in the U.S., the National Health and Medical Research Council of Australia, and the Scientific Committee on Tobacco and Health in the U.K. have all condemned ETS as a carcinogen. On the other side, a hand-picked tobacco state judge with no discernible scientific credentials, and a couple of industry consultants whose secondhand smoke credentials remain to be discovered. The polemic by Gori and Luik, like secondhand smoke itself, is toxic waste. It should be disposed of in a safe container.”

The publication of this book by the Fraser Institute is a further indication of the ties of the tobacco industry to the Institute.

Luik objects to the independent scientific community's attempts to “stifle dissent” and resort to “ad hominem arguments.” By this, he presumably wishes to claim the right to have people debate with him without pointing out that, when he speaks, it is the industry speaking, and without calling into question the reliability of his work as a result.

Terence Corcoran

Speaking on April 29th Conference

Terence Corcoran has been the most prolific Canadian journalist advocating tobacco industry positions. Whatever the outrageous viewpoint on tobacco control, Corcoran has probably already expressed it in his columns and editorials.

He has not been shy with respect to his views. And sometimes his pro-disease advocacy has attracted unhappy responses. Twice he has been sued for libel by the Non-Smokers' Rights Association. On the first occasion, he and *The Globe and Mail* settled and an apology was published. The second allegation of libel is still being litigated.

Here are a few Corcoran quotes to enable an assessment of the reasonableness of this journalist's position:

“By any assessment, the health risks associated with second-hand smoke are insignificant. One philosophy professor calculated that two glasses of milk a day poses a greater risk of death from cancer than a lifetime exposure to secondary smoke.”

“Teen-agers all over the world are taking up smoking, regardless of whether taxes are rising or falling, or whether cigarette advertising is allowed or banned, or whether governments impose tough new laws on tobacco use. For all anybody knows the reason teen-age smoking is on the rise is because so many health fascists are trying to ban smoking.”

“As columnist Andrew Coyne once put it, the smell of tobacco smoke in a bar is ‘the smell of freedom’.”

“A strong flourishing tobacco industry, and a population that continues to smoke, are now essential components of the revenue structure. Tobacco industry profits and continuing high sales will have to be maintained to provide the tax funds governments claim they need to pay for the health problems created by smoking. If all smokers should suddenly stop smoking, a revenue crisis would follow.”

Diane Francis

Speaking on May 13th Conference

Diane Francis, a columnist with the *National Post* and the former editor of *The Financial Post*, is a long-standing pro-tobacco industry journalist. She equates tobacco use as a risk behaviour similar to “driving fast cars or eating fast food or drinking alcohol or *watching too much television* (our emphasis).”

With respect to the premature tobacco deaths of 45,000 Canadians a year, Francis holds to her position that governments should “butt out” of tobacco regulation. “Smokers die prematurely, which saves governments billions in future pension entitlements.”

On April 14, 1998, while she was editor of *The Financial Post* and, hence, in control of what got published, she wrote another of her pro-industry columns. But it took over four months and an exchange of correspondence with *The Financial Post* lawyers to get a reply published that included some language that troubled Francis. The offensive language was reluctantly published in a letter on July 24th. The letter says:

“Francis declares her apparent drug addiction as her “conflict of interest.” Well that’s part of it. She forgot to mention her family connection to the U.S. tobacco industry. In the U.S., this industry is under investigation for criminal and civil misbehaviour including perjury, fraud, conspiracy and racketeering. While Francis clearly has no responsibility for such behaviour through family connections, readers might reasonably conclude family background might cause a certain amount of denial to come into play when she promulgates her magisterial bulls on tobacco.”

Whether this explains Diane Francis' aggressive attacks on public health reforms, we do not know. What we do know is that she seems locked in embrace with the tobacco industry.

Jacob Sullum

Speaking on May 13th Conference

Like several other speakers at the Conference, Jacob Sullum has also been the benefactor of tobacco industry largesse. He first came to the attention of the health community when he was the managing editor of *Reason* magazine. Articles which he published in *The Wall Street Journal* and *Forbes Media Critic* were republished by the tobacco industry in full page ads in US papers.

The ads, of course, failed to disclose that his employer, The Reason Foundation, received donations from the tobacco industry and that he personally was paid by R.J. Reynolds for the rights to republish his articles (see *The Cigarette Papers*).

Since 1994 and publication of the ads, Sullum has continued his attack on the scientific literature related to environmental tobacco smoke.

John Lott

Speaking on May 13th Conference

A professor at the University of Chicago law school, John Lott is probably best known for his rather astonishing theory that one effective way to reduce crime levels is to encourage gun ownership and permit people to carry concealed weapons. (See his 1998 book, *More Guns, Less Crime: Understanding Crime and Gun Control Laws*.)

A longstanding proponent of the Chicago School of free-market economics (Milton Friedman et al.), Lott has a long history of arguing on behalf of controversial hypotheses. He maintains, for example, that random school shootings by disaffected students can best be avoided by arming teachers, and that global warming and the depletion of the ozone layer are both myths.

He also argues for the economic efficiency of letting rich criminals avoid conviction by hiring high-priced lawyers, given that a "nation's wealth [is maximized] if a crime is *not* deterred when the benefit to the criminal of a particular crime is greater than the total social cost of that crime."

Lott is also on the record as opposing any regulation on indoor smoking, including on airplanes. One can only assume that if he does make it to the May 13th conference, he will be arguing what has been labelled the "euthanasia thesis" on the economic benefits of smoking. According to this thesis, society is economically better off if people die at retirement age or earlier and thus avoid drawing pensions and other social benefits. It follows that we should encourage kids to begin smoking, to save society pension pay-outs later on.

Zalman Amit

Speaking on May 13th Conference

Professor Zalman Amit is a psychology professor at Concordia University. He is also a consultant to the Canadian tobacco industry.

He submitted an expert report in the trial over the *Tobacco Products Control Act* and testified before the Standing Committee on Health in the hearings related to plain packaging.

Amit was also called to testify on behalf of the industry in the recent historic litigation in Minnesota.

Currently, he is the only witness that the tobacco companies have indicated that they intend to call in the litigation over the federal *Tobacco Act*.

Appendix A
(transcript of original court document)

PROPOSAL FOR THE ORGANISATION OF THE WHITECOAT PROJECT

SUMMARY OF THE WHITECOAT PROJECT

The Project is designed to support market-level ETS programmes within the PM EEMA and EEC markets. The Objectives of these overall ETS programmes are defined as:-

- End Goals:
- Resist and roll back smoking restrictions.
 - Restore smoker confidence.
- Pre-requisites:
- Reverse scientific and popular misconception that ETS is harmful.
 - Restore social acceptability of smoking.

Within this overall ETS context the Whitecoat Project comprises two elements:-

- Pro-active element:
- a) To generate a body of scientific and technical knowledge in the field of ETS within the PM EEMA and EEC markets. The Project's activities and programmes will include fundamental research, IAQ and IFAQ studies. These will be undertaken by whitecoats, contract laboratories and commercial organisations such as ACVA.
 - b) To disseminate and exploit such knowledge within specific communication programmes in these markets.

Reactive element: To provide scientific and technical resources to challenge existing laws; to counter specific legislative and regulatory threats; and to respond to scientific mis-information and bias as it arises in these markets.

It is a self-standing Project initially led by PM, but will recruit as many member companies and NMA's as possible operating within the respective markets.

It will be independent from, but work cooperatively with, bodies such as INFOTAB and the US CIAR (Center for Indoor Air Research).

A priority for the Project is to address product liability concerns in all international markets, including the US.

Appendix B
(Transcript of original letter)

REPACE ASSOCIATES

April 26, 1999

Mr. Garfield Mahood
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Toronto, Ontario, Canada M5S 2T9

Dear Mr. Mahood:

You have asked me to comment on the book *Passive Smoke: The EPA's betrayal of Science and Policy*, by Gio Gori and John Luik, The Fraser Institute, Vancouver, 1999. These tobacco industry consultants accuse the United-States Environmental Protection Agency of engaging in a "corrupt misuse of science," a "conspiracy of public disinformation" and "deception" in its 1992 Report which concluded that secondhand smoke was "a known human carcinogen." They make these grave accusations in the context of discussing a decision handed down by North Carolina judge William Osteen "nullifying" EPA's risk assessment at the request of the tobacco industry. The Osteen decision, and the polemic by Gori and Luik, simply repeat erroneous tobacco industry pseudo-scientific arguments (cloaked in ad hominem invective) which have been analyzed and rejected by mainstream science. A point-by-point rebuttal would require a lengthy effort, which I am prepared to undertake if necessary.

I will simply observe the following: The National Cancer Institute (NCI) is America's premier institution of research into cancer cause, cure, and prevention. In 1993, the NCI reprinted the 1992 EPA Report on Passive Smoking in NCI's Smoking and Tobacco Control Monograph 4. In the preface, the NCI ringingly stated: "Tobacco smoke represents a substantial environmental and... occupational carcinogen." The NCI said that while the practice of smoking may be legal, "policies [protecting nonsmokers from secondhand smoke] are medically justified and consistent with our responsibility to protect the public from a demonstrated health risk." In its Monograph 9, the NCI listed 60 agents in cigarette and cigar smoke that are animal carcinogens, and observed that 9 of these were known human carcinogens. Do Gori and Luik think the NCI performs corrupt science?

On one side, the EPA Report on Passive Smoking is just one of a sea of authoritative reports by expert panels of the Surgeon General, the National Academy of Science, the International Agency for Research on Cancer, the National Institute for Occupational Safety and Health, the EPA's Science Advisory Board, the Occupational Safety and Health Administration, the California EPA, the National Cancer Institute, and the U.S. National Toxicology Program in the U.S., the National Health and Medical Research Council of Australia, and the Scientific Committee on Tobacco and Health in the U.K. have all condemned ETS as a carcinogen. On the other side, a hand-picked tobacco state judge with no discernible scientific credentials, and a couple of industry consultants whose secondhand smoke credentials remain to be discovered. The polemic by Gori and Luik, like secondhand smoke itself, is toxic waste. It should be disposed of in a safe container.

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