

# Objective 8:

## Counter the Tobacco and Cannabis Industries

Countering the tobacco industry is integral to ending the commercial tobacco epidemic. To keep its existing customers and hook new ones, the industry produces a constantly changing lineup of combustible, heated, aerosolized, and oral tobacco and nicotine products.<sup>1</sup> Increasingly, the industry markets “tobacco-free” products such as nicotine pouches,<sup>2</sup> and even “zero nicotine” products such as nicotine-free dip and pouches, to try to downplay legitimate health concerns, normalize use, and maintain profits.

The tobacco industry encompasses a wide array of companies. Besides manufacturers, it includes transporters, distributors, retailers, and companies that provide industry finance and business services. It includes marketing, consulting, and media companies that advertise and enable tobacco product placement in movies and other media. It includes allied business groups, trade organizations, and industry front groups, such as the Foundation for a Smoke-Free World, and tobacco retailer interest groups, such as the National Association of Tobacco Outlets (NATO) and the Hookah Chamber of Commerce. It also includes niche companies, such as those that sell and deliver tobacco products to students on college campuses. Countering the industry means addressing not just the big tobacco companies, but also these allied entities.

Meanwhile, there is increasing overlap between the tobacco and cannabis industries, as tobacco companies acquire cannabis subsidiaries and as cannabis products increasingly resemble tobacco products and mimic tobacco product marketing. Both industries use similar strategies to undermine science demonstrating product harms and to slow or stop policies aimed at regulating their products.<sup>3-5</sup> They both use knowledge capture, i.e., producing industry-friendly scientific studies and widely publicizing them using opinion leaders, while attacking and suppressing unfavorable science. Both attempt to influence scientific and regulatory bodies in order to weaken regulations and policies. Both use lobbying and political finance to incentivize policymakers to align policy with corporate agendas. And both make sophisticated use of public relations, front groups, think tanks, and consumer groups to promote the idea of personal responsibility instead of policy solutions, and to decrease trust in government to regulate industries. The increasing overlap in tactics, ownership, and behavior between the tobacco and

### Key Themes

- ❖ Tobacco companies produce an ever-changing lineup of products, including novel nicotine products, to normalize use and gain acceptability as partners.
- ❖ There is increasing overlap between the tobacco and cannabis industries, in both products and marketing tactics.
- ❖ Stopping industry influence on policy and countering industry tactics are essential to denormalizing and reducing tobacco and cannabis use.



**Sharpie highlighter, High Light vape pen, and Canna River cannabis vape.**

Source: Food and Drug Administration, [VapeDeliveryLA.com](http://VapeDeliveryLA.com)

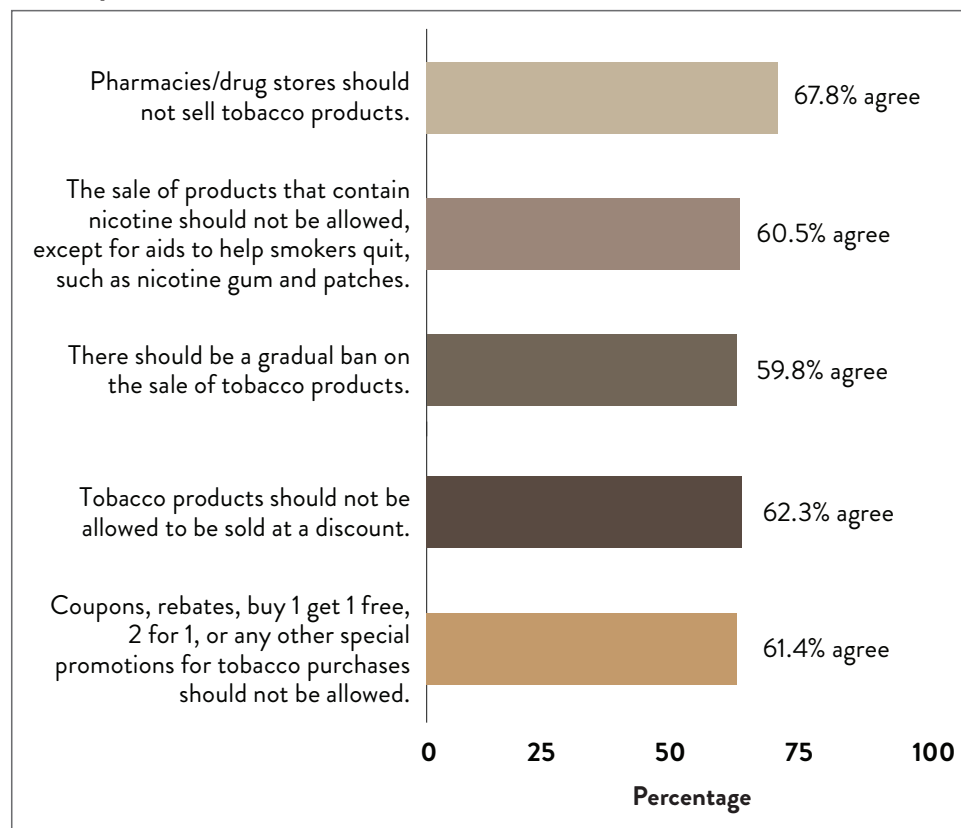
cannabis industries means that strategies that have proven effective in tobacco control may be needed to address companies that market, sell, and distribute cannabis.<sup>6</sup>

## Recommended Strategies

### Policy

- Prohibit the sale of all commercial tobacco products, if possible, or restrict their availability, marketing and sale.
- Restrict online sales of tobacco products by enforcing the federal Prevent All Cigarette Trafficking (PACT) Act<sup>7</sup> and the California Stop Tobacco Access to Kids Enforcement (STAKE) Act,<sup>8</sup> which require age verification and clearly labeled packages for tobacco product deliveries.
- Reduce the density of tobacco retailers operating in California by passing a statewide tobacco retailer density law and/or stronger local tobacco retailer density laws. These could include policies capping the number of retailer licenses available, restricting the proximity of retailers to schools and other youth-sensitive areas, limiting the types of retailers that are allowed to sell tobacco, and prohibiting certain types of retailers from selling tobacco, such as pharmacies and other health care-related businesses.
- Enforce the state Lee Law,<sup>9</sup> which sets a 33% cap on the amount of window space that can be covered with advertising of any type in stores selling alcohol and set lower local limits to reduce the prominence of tobacco advertising at these locations.
- Prohibit predatory marketing tactics, such as couponing and disproportionate advertising in low-income neighborhoods.
- Require larger, more legible, and ideally graphic health warnings on cannabis packaging and in dispensaries, similar to tobacco products.

**Figure 5. Beliefs about retail tobacco policies among California adults aged 18–64 years**

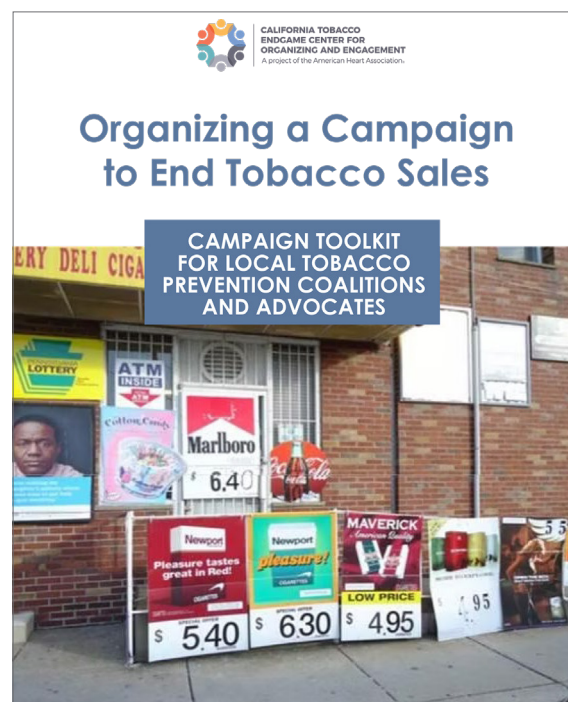


Source: [California Tobacco Facts and Figures 2024](#), based on data from Online California Adult Tobacco Survey, 2023

- Prohibit tobacco and cannabis industry representatives from participating in decision-making bodies governing public policy and the regulation of their products.
- Call on the Food and Drug Administration (FDA) to implement graphic warning labels, require stronger tobacco packaging and labeling standards, prohibit unauthorized tobacco products, and limit the amount of nicotine in all tobacco products.
- Enforce policies prohibiting false or misleading health claims about tobacco or cannabis products.

## Education

- Expose how the tobacco industry promotes vaping, heated tobacco, and oral nicotine products as “healthier alternatives” to smoking to maintain its customer base and profits and to try to reposition itself as a legitimate partner in public health.
- Expose the industry’s attempts at whitewashing its reputation, e.g., giving false impressions of its social responsibility, and “greenwashing” by claiming to be concerned about the environment.
- Counter misrepresentation of FDA designations of Modified Risk Tobacco Products (MRTPs)<sup>10</sup> or Marketing Granted Orders<sup>11</sup> as endorsements of safety or efficacy as smoking cessation aids.<sup>12</sup>
- Educate streaming and social media platforms on the negative impacts of tobacco and cannabis product depictions in their content and ensure that they have and enforce policies prohibiting partnering with the tobacco and cannabis industries, product placement, and other product promotion.
- Support media literacy programs for youth concerning the tobacco and cannabis industries and their communication strategies, including through social media influencers.
- Discourage school districts from adopting industry-funded prevention programs or otherwise partnering with the industry.
- Encourage health care provider accreditation bodies to prohibit tobacco and cannabis industries from sponsoring or producing health care provider educational programs.<sup>13</sup>



**Toolkit for organizing a campaign to end local tobacco sales.**

Source: [California Tobacco Endgame Center for Organizing and Engagement](#)

## Research

- Evaluate the implementation and impact of state and local policies that prohibit or restrict the sale and distribution of tobacco and cannabis products to identify and disseminate best practices.
- Research and develop effective strategies to counter industry marketing tactics that target priority populations.
- Establish and enforce rigorous and transparent disclosure policies and safeguard peer review processes from entities with industry funding and other conflicts of interest.
- Prohibit tobacco and cannabis industry representatives from participating on scientific consensus panels and other research organizations.

## Partnership

- Collaborate with cannabis prevention programs to establish marketing restrictions on cannabis that are modeled on successful tobacco prevention strategies.
- Partner with other substance use prevention programs to share lessons learned from countering industries that promote deadly, addictive products to maximize their profits.
- Partner with other groups that work on commercial determinants of health (i.e., strategies and approaches of the private sector that can be detrimental to health), and that counter the ultra-processed food, alcohol, chemical, fossil fuel, and pharmaceutical industries to share best practices for combatting industry influence.
- Urge the federal government to engage in human rights treaties that strengthen commercial tobacco regulation and encourage non-governmental organizations to file shadow reports to treaty monitoring bodies to hold governments accountable to their human rights obligations.
- Sustain California's status as a world leader in the fight for a tobacco-free future, not only by ending the tobacco epidemic in California but by providing advice and best practices to others around the world in their efforts to counter the industry, such as through implementation of Article 5.3 of the World Health Organization's Framework Convention on Tobacco Control. Article 5.3 requires governments to protect their tobacco policies "from commercial and other vested interests of the tobacco industry, in accordance with national laws."<sup>14</sup>

## Funding

- Require grant applicants and prospective contractors to disclose funding from the tobacco and cannabis industries and disqualify those who have received such funding in the past five years. (This does not apply to Tribal applicants with a tobacco retailer on Tribal lands, as long they are not involved in commercial tobacco production.)
- Require successful grant applicants and contractors to pledge not to accept tobacco industry funding or work for the industry during the term of their grant or contract.
- Monitor and publicize tobacco industry giving and sponsorship programs so the public is aware of efforts to distract from the immense harm the industry does to public health and the environment.
- Track industry front groups and their affiliations with the tobacco and cannabis industries and expose their lobbying efforts and political contributions.
- Discourage community organizations, businesses, and policymakers from accepting industry contributions and sponsorships.
- Prohibit businesses that participate in the marketing, sale, and distribution of tobacco and cannabis products from obtaining government contracts.



**CTPP social media post representing the need to counter industry influence.**

Source: [UNDO](#)

# References

- <sup>1</sup> Tobacco Tactics. [Tobacco supply chain](#). January 29, 2024.
- <sup>2</sup> Undo. [Oral nicotine pouches: addiction in a new package](#). May 6, 2024.
- <sup>3</sup> Madureira Lima J, Galea S. [Corporate practices and health: a framework and mechanisms](#). *Global Health*. 2018;14(21).
- <sup>4</sup> Gilmore AB, Fabbri A, Baum F, et al. [Defining and conceptualising the commercial determinants of health](#). *Lancet*. 2023 Apr 8;401(10383):1194–1213.
- <sup>5</sup> Lacy-Nichols J, Marten R, Crosbie E, Moodie R. [The public health playbook: ideas for challenging the corporate playbook](#). *Lancet Glob Health*. 2022 Jul;10(7):e1067–e1072.
- <sup>6</sup> Wakefield T, Glantz SA, Apollonio DE. [Content analysis of the corporate social responsibility practices of 9 major cannabis companies in Canada and the US](#). *JAMA Netw Open*. 2022;5(8):e2228088.
- <sup>7</sup> 15 United States Code §§ 375–376.
- <sup>8</sup> California Business and Professions Code (8.5) §§ 22950–22964.
- <sup>9</sup> California Business and Professions Code §§ 25612.5(c)(7), 25617, 25619.
- <sup>10</sup> A Modified Risk Tobacco Products (MRTTP) is a product that the FDA has determined “will or is expected to benefit the health of the population as a whole,” e.g., when tobacco users switch from using riskier products. See <https://www.fda.gov/tobacco-products/advertising-and-promotion/modified-risk-tobacco-products>.
- <sup>11</sup> Marketing Granted Orders are a form of marketing authorization issued by the FDA following a submission demonstrating that the product is appropriate for the protection of public health. See <https://www.fda.gov/tobacco-products/premarket-tobacco-product-applications/premarket-tobacco-product-marketing-granted-orders>.
- <sup>12</sup> Robichaud MO, Puryear T, Cohen JE, Kennedy RD. [How media stories in low- and middle-income countries discussed the U.S. Food and Drug Administration’s Modified Risk Tobacco Product Order for IQOS](#). *Nicotine Tob Res*. 2023 Aug 23;25(10):1659–1666.
- <sup>13</sup> Malone RE. [Stop tobacco industry sponsorship of continuing medical education](#). *BMJ*. 2024;385:q950.
- <sup>14</sup> World Health Organization. [WHO Framework Convention on Tobacco Control \(WHO FCTC\) Article 5.3 Protecting public health policies with respect with respect to tobacco control from commercial and other vested interests of the tobacco industry](#). 2017.