

Objective 8: Countering Industry

Ending the tobacco industry's influence in California is integral to ending the commercial tobacco epidemic and achieving the tobacco endgame. The fight to end the commercial tobacco epidemic in California means taking on all companies that market, sell, and distribute tobacco products, including e-cigarettes, hookah, heated tobacco products, and emerging nicotine products, such as products that use synthetic nicotine. It also means fighting against tobacco industry allies and foundations that work on behalf of tobacco manufacturers or retailers. The increasing overlap in tactics, ownership and behavior between tobacco and cannabis means companies that market, sell, and distribute cannabis must also be included in this effort.³⁵

Key Concepts:

The tobacco industry encompasses a wide array of companies that produce a constantly changing lineup of products ranging from combustible and smokeless tobacco and cannabis products, as well as companies that participate in the manufacturing, marketing, sale, importation, distribution, and retail of these products. It also includes trade organizations, front groups, and foundations that act at the behest of the manufacturers and retailers. Taking on the tobacco industry means addressing not only the industry itself, but also its allies, including but not limited to:



- Marketing firms that advertise tobacco products
- Business groups and trade organizations that serve as industry front groups
- Tobacco retailer interest groups like the National Association of Tobacco Outlets (NATO) and the Hookah Chamber of Commerce
- Companies that produce and market e-cigarettes, vaping devices, and accessories
- The cannabis industry, which increasingly overlaps with the tobacco industry
- Companies that deliver tobacco or cannabis
- Companies that profit from tobacco or cannabis product placement in movies, social media, and streaming media

Key Themes

- Adopt policies that end or reduce the sale of and access to tobacco products.
- Discourage industry sponsorship or political contributions.
- Expose industry lobbying as well as front groups, allies, and trade organizations.

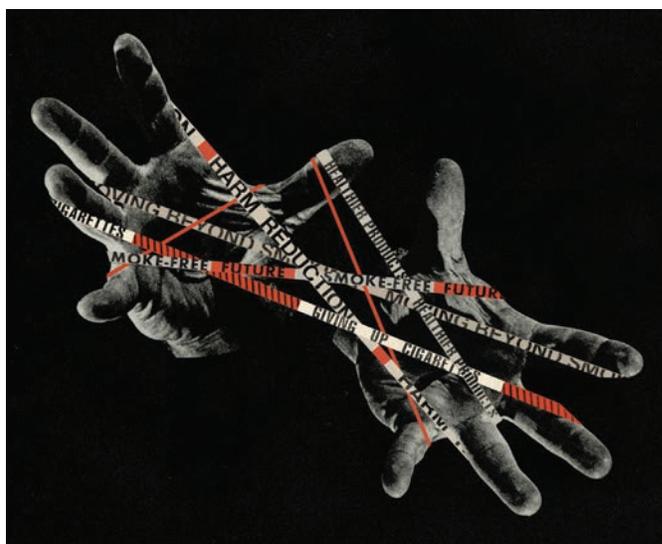
Strategies

Policy

- End the sale of all commercial tobacco products; in jurisdictions that cannot, end the sale of types or classes of tobacco products, such as flavored tobacco or those in small pack sizes.
- Cap the number of retailers allowed to operate in a jurisdiction.
- Eliminate online sales and prevent the industry from circumventing local laws by selling products online.
- Prohibit tobacco sales from businesses that should be promoting health or serving youth, such as pharmacies.
- Enforce California's Lee Law that caps the maximum amount of window space that can be covered with ads in stores selling alcohol at 33%, and work to further reduce this percentage.
- Counter industry marketing by requiring graphic health warnings on a greater proportion of ad space and at the point of sale.
- Require health warnings on cannabis packaging and in cannabis dispensaries.

Education

- Create media literacy campaigns to educate the public on industry greenwashing and Corporate Social Responsibility.
- Discourage school districts from adopting industry-funded curriculums.
- Counter industry or industry front group claims equating tobacco products designated by the FDA as Modified Risk Tobacco Products (MRTPs) and products authorized for sale as Nicotine Replacement Therapy (NRTs) and provide education that only NRTs are approved for smoking cessation.
- Counter industry marketing by educating the public about the health risks associated with tobacco and cannabis use and secondhand smoke by requiring graphic health warnings and developing educational campaigns.
- Develop educational messaging and campaigns to remind the public of the tobacco industry's role in creating the tobacco epidemic and their history of marketing products that cause death and disease.



Funding

- Require that grant applicants disclose whether they accept funds from the tobacco or cannabis industries and disqualify those who have received funding from the industry as a conflict of interest.
 - This requirement does not apply to tribal grant applicants with a tobacco retail outlet on tribal lands as long they are not involved in tobacco manufacturing
- Require successful grant applicants to pledge not to accept future industry funding and require that applicants pledge to not work for the industry, while under contract.
- Monitor and publicize tobacco and cannabis corporate giving and sponsorship programs so the public is aware of efforts to distract from the immense harm that the industry does to public health.
- Track industry front groups and their affiliations to the tobacco industry and expose their lobbying efforts and political contributions.
- Discourage community organizations, businesses, and policymakers from accepting industry contributions and sponsorships.

Research

- Conduct research to evaluate California’s state and local tobacco policies related to restricting the marketing, sale, and distribution of tobacco and cannabis products, and disseminate best practices.
- Conduct research on effective strategies to counter industry marketing tactics that target priority populations or make health claims about tobacco or cannabis products.
- Expose and prohibit industry efforts to fund and influence research in public health journals and conferences by establishing a more rigorous and transparent peer review process and highlighting conflicts of interest in industry research when building scientific consensus.
- Educate researchers and research organizations on tobacco and cannabis industry manipulation of science and policy and do not allow the industry to participate in scientific consensus panels.

Action

- Prohibit the tobacco and cannabis industries from having a role in decision-making related to the regulation of their products.
- Encourage businesses allied with the tobacco and cannabis industries to cease activities that support the marketing, sale, and distribution of tobacco and cannabis products.
- Call on the federal government to require stronger tobacco packaging and labeling standards, limit new tobacco products, limiting nicotine level of products, and restrict the industry’s ability to influence public policy by discouraging partnership with industry.
- Urge the U.S. to engage in human rights treaties that strengthen commercial tobacco regulation and encourage people to file shadow reports documenting human rights violations in this area.
- 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 also by helping others around the world make similar progress.

Partnerships

- Encourage collaboration between tobacco control and cannabis prevention programs to establish marketing restrictions on cannabis that are at least as strong as those for tobacco.
- Support partnerships with other groups working on countering commercial determinants of health that experience industry influence in their work— including but not limited to food, alcohol, chemical, and pharmaceutical industries— to learn how these groups combat industry influence.