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# Local Nordic tobacco interests collaborated with multinational companies to maintain a united front and undermine tobacco control policies

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# **Abstract**

**Objective**—To analyse how local tobacco companies in the Nordic countries, individually and through National Manufacturers' Associations, cooperated with British American Tobacco and Philip Morris in denying the health hazards of smoking and undermining tobacco control.

**Methods**—Analysis of tobacco control policies in the Nordic countries and tobacco industry documents.

**Results**—Nordic countries were early adopters of tobacco control policies. The multinational tobacco companies recognised this fact and mobilised to oppose these policies, in part because of fear that they would set unfavourable precedents. Since at least 1972, the Nordic tobacco companies were well informed about and willing to participate in the multinational companies activities to obscure the health dangers of smoking and secondhand smoke and to oppose tobacco control policies. Cooperation between multinational companies, Nordic national manufacturer associations and local companies ensured a united front on smoking and health issues in the Nordic area that was consistent with the positions that the multinational companies were taking. This cooperation delayed smoke-free laws and undermined other tobacco control measures.

**Conclusions**—Local tobacco companies worked with multinational companies to undermine tobacco control in distant and small Nordic markets because of concern that pioneering policies initiated in Nordic countries would spread to bigger market areas. Claims by the local Nordic companies that they were not actively involved with the multinationals are not supported by the facts. These results also demonstrate that the industry appreciates the global importance of both positive and negative public health precedents in tobacco control.

Beginning in the 1970s, the Nordic countries were early adopters of tobacco control initiatives, including advertising bans, health warning labels, purchase age limits<sup>1–4</sup> and smoke-free laws. By 1986, Philip Morris (PM) officials in the USA were concerned that this activity could spread to America and other developed countries.<sup>5–7</sup> Europe's first product

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liability case against the tobacco industry was brought in Finland in 1988 when an individual smoker sued Rettig Oy (a local company that licenses R.J. Reynolds (RJR) brands) and Suomen Tupakka Oy (a British American Tobacco (BAT) subsidiary), claiming that their products caused his illnesses. The companies prevailed in all courts, including the Supreme Court, 13 years later in 2001.

In their effort to escape product liability claims, since 1988, local tobacco companies in Finland and Norway denied any links to the multinational tobacco companies' efforts to mislead the public about the dangers of smoking and secondhand smoke (SHS) and oppose health policies. <sup>8, 10, 11</sup> In contrast, tobacco industry documents demonstrate that the Nordic companies collaborated with the multinational tobacco companies, both at national and regional levels to deny health hazards of smoking and SHS and undermining tobacco control policies. It is not surprising that Nordic companies owned by multinationals implemented these international strategies. This study focuses on those companies that were not owned by multinational companies and on the National Manufacturers' Associations (NMAs) in each country.

# **METHODS**

We reviewed tobacco control policies in the Nordic countries, beginning with WHO database on tobacco control policies in WHO European Member States <sup>12</sup> and reports on tobacco control in the Nordic countries. <sup>1–4</sup> We searched tobacco industry documents available at <a href="http://legacy.library.ucsf.edu">http://legacy.library.ucsf.edu</a> between January 2010 and November 2010, beginning individually with the terms 'Denmark', 'Finland', 'Norway', 'Sweden', 'Nordic' and 'Scandinavia.' By focusing on the title of the documents and by focusing on those documents with limited number of pages, we excluded documents discussing events outside the Nordic area. We used these remaining documents to locate additional documents using standard snowball search methods by searching names of working groups, individuals, projects and Bates numbers of adjacent documents. <sup>13</sup> We reviewed approximately 2800 documents.

# **RESULTS**

From 1950s to early 2000s, the makeup of the Nordic tobacco companies remained stable (table 1). Markets in Iceland were dominated by the multinational tobacco companies PM, BAT and RJR Tobacco Company, while domestic companies (selling their own brands and distributing foreign brands but not owned by a multinational company) dominated Denmark, Finland, Norway and Sweden (table 1). By 2008, BAT controlled Danish and Norwegian markets through local subsidiaries and PM had a stronger position than BAT in Finland and Sweden.

#### Nordic companies' knowledge of health hazards

In contrast to assertions made in court in Finland as late as in 2009, <sup>11</sup> Nordic tobacco companies had information on smoking and health from the multinational tobacco companies that was not available to the general public or health authorities as early as 1957, when the Swedish Tobacco Monopoly (privatised in 1961 as Svenska Tobaks (ST) and renamed Swedish Match in 1992) and Denmark's Scandinavian Tobacco Company (STC) jointly established their Medical Advisory Board (MAB), initially called the 'Advisory Council'. As with the Tobacco Industry Research Committee (TIRC, Council for Tobacco Research (CTR) since 1964) formed in 1954 by the US companies, <sup>15</sup> the MAB's publicly stated mission was to "sponsor and foster medicinal and biological research on the effects of the use of tobacco, with emphasis on finding any injurious substances in tobacco or tobacco smoke— and how to eliminate them." <sup>16</sup> MAB Secretary Lasse Hjern described the

organisation in a 1957 letter to TIRC's Assistant Scientific Director as 'the Swedish counterpart' to TIRC.<sup>17</sup> TIRC was central to the US companies' effort to 'create controversy' about the dangers of smoking to slow public understanding of the dangers of smoking and fight public policies and litigation against the tobacco industry.<sup>15, 18</sup>

MAB funded scientists outside ST and advised ST on product development. MAB prioritised external research on nicotine pharmacology, useful to ST and STC for product development. In 1980, after a visit to Sweden, a BAT scientist reported that ST's policy was "to attempt to maintain the levels of nicotine in smoke, particularly as it was judged the main benefit of smoking." (see Felton, page 11<sup>19</sup>) ST had internally tested over 500 chemicals in smoke to guide filter development in an effort to remove the most hazardous substances, which ST's research showed were the aldehydes and the phenols. He reported that BAT's laboratory staff in Southampton had "several occasions for wide-ranging 'tour d'horizon'" with ST on "the general Smoking and Health scene with particular reference to developments in Sweden and UK."

In 1956, BAT and other UK tobacco companies formed the Tobacco Manufacturers' Standing Committee (TMSC). <sup>15</sup> The minutes of a 1957 TMSC meeting noted MAB's establishment in Sweden and reported that an exchange of scientific information on health hazards of smoking had been started. <sup>21</sup> The minutes reported that a Norwegian tobacco companies were considering forming a similar committee and that an exchange of information was proposed with it. TMSC started funding research in Denmark on chemical constituents of tobacco smoke through BAT's Danish subsidiary American Tobacco Co. A/S Denmark (which was merged with STC in 1974 when BAT became a shareholder in STC) with the aim of developing a safer cigarette. <sup>22</sup> Beginning in 1978, BAT shared confidential information on smoking and health with STC in Denmark, Tiedemanns in Norway and ST in Sweden. <sup>23–29</sup> We were not able to find any publications in the scientific literature reporting the results from intensive studies in Sweden identifying the toxins in cigarette smoke or efforts to develop safer cigarettes in the early 1980s. <sup>19</sup>

BAT shared internal research on smoking and health with Finnish companies. In a report to PM management following a visit to Finland, PM's director for European region described an NMA meeting in 1974 where BAT's local subsidiary's Managing Director "emphasized that his company [had] opened all files on smoking and health questions to the associations," 30 the plural probably indicating all NMAs in the Nordic region.

### **Creating controversy**

In 1976, BAT sent its guidelines for making public statements to guarantee a uniform front on smoking and health issues to STC's CEO. In 1985, BAT's Research Director compiled a critical review of epidemiological studies on smoking and health<sup>31</sup> which BAT's board used to illustrate the 'controversy' on smoking issues in discussions with authorities.<sup>27</sup> In 1990, he sent, in confidence, a copy of the updated critical review to STs Lasse Hjern.<sup>28</sup>

The Nordic companies produced 'scientific research' to obscure evidence on health hazards of smoking. STC's advisor on smoking and health served between 1989 and 1996 as a member of BAT's Scientific Research Group, which recommended funding for projects aimed at obscuring health dangers of smoking. <sup>32–35</sup> Presumably to support the industry's 'constitutional hypothesis' that genetics, not smoking, caused cancer, <sup>15</sup> BAT funded a Copenhagen University study of Nordic countries to quantify different disease patterns in the distribution of smoking-related diseases among different national groups and another study at Roskilde University in Denmark on DNA adducts among smokers and non-smokers. <sup>36–42</sup> Before BAT provided funding, the adducts study was reviewed by the US law

firm Jacob, Medinger and Finnegan, <sup>43</sup>, <sup>44</sup> which ran the US tobacco industry's secret 'special project' research funding that was funnelled through TIRC/CTR. <sup>15</sup>

Despite conflicting commercial interests, the multinational and local companies were unified in denying the dangers of smoking. In 1990, the new CEO of Finland's Amer Group Olli Laiho admitted in a newspaper interview that tobacco caused cancer. <sup>45, 46</sup> Urgent reactions from PM made Laiho withdraw the statement and claim that he was misquoted. <sup>47, 48</sup> Shortly thereafter, PM's European Director together with Amer Group's Chairman of Board requested that Laiho be 'educated' on smoking and health issues before any future interviews took place and that Laiho's statements be reviewed by PM legal before being given in interviews. <sup>47, 49–52</sup>

The industry documents contain two other instances, in 1975 in Sweden and in 1989 in Finland, when Nordic company representatives were ready to admit smoking caused or contributed to disease to gain credibility in regulatory affairs or in court. In 1975, ST's Chief Chemist Lasse Hjern asked the US lawyers representing PM, "if the industry should not admit that cigarette smoking causes lung cancer" to give the industry more credibility in dealing with its regulatory problems. In 1989, a Finnish lawyer representing local company Rettig asked in a meeting where defence strategy for a product liability case was discussed with RJR's counsel "whether one might say that smoking 'contributes' to cancer." In both cases, US lawyers explained the negative product liability consequences of such statements for everyone everywhere; no admissions appear to have been made.

#### Cooperation through international tobacco industry organisations

In a 1975 meeting with visiting PM executives and lawyers, ST's Chief Chemist Lasse Hjern proposed a worldwide clearinghouse to fight the anti-smoking movement because of his concern, raised after attending the 1975 Third World Conference on Smoking and Health, about the 'religious' effort to ban tobacco.<sup>54</sup> Hjern's proposal appears to have reflected a broader industry consensus. In 1977, the multinational tobacco companies formed the International Committee on Smoking Issues (renamed the International Tobacco Information Center, INFOTAB, in 1980) to replicate the political and public relations functions the Tobacco Institute performed for the industry in the USA. <sup>18, 56, 57</sup> INFOTAB member companies agreed to act together to respond to smoking and health risk challenges worldwide by promoting the position that the effects of smoking on health were 'controversial.' <sup>18</sup> By 1979, Danish, Finnish and Norwegian NMAs had joined International Committee on Smoking Issues/INFOTAB. <sup>58</sup>

Presumably because the multinational companies saw Nordic countries as potential leaders in tobacco control, <sup>59</sup> INFOTAB's Board of Directors wanted the Nordic companies to join. <sup>60</sup> Norwegian Tiedemanns became an Associate Member in 1983, represented on the Board of Directors by a joint representative with Liggett, Lorillard and Swiss tobacco company F.J. Burrus. <sup>61–64</sup> In 1983, ST joined as an allied member. By 1983, the Swedish NMA had also joined INFOTAB, which gave the Nordic companies a strong presence in INFOTAB.

INFOTAB's Defence of Advertising Committee (DAC) was to produce material and programmes to enable the industry to defend the right to advertise cigarettes. <sup>65, 66</sup> In 1980, DAC initiated the 'Scandinavian study' on the effects of early advertising restrictions in Finland, Norway and Sweden. DAC commissioned HWWA-Institute für Wirtshaftsforschung in Hamburg to gather data on advertising restrictions and tobacco consumption from the Norwegian NMA, Tiedemanns, ST and Suomen Tupakka (BAT's Finnish subsidiary). <sup>67</sup> HWWA presented the preliminary results to DAC, the Nordic company and NMA representatives in a private meeting in 1981. <sup>66</sup> HWWA concluded that

by themselves advertising bans or restrictions had little, if any, effect on total consumption but that health campaigns and price increases decreased cigarette sales and that health campaigns were more effective when brand advertising was banned.

DAC members and the representatives of the Nordic industry were disappointed.<sup>68</sup> INFOTAB's Board of Directors allowed HWWA to finish the study but kept it for internal industry use without publishing it. The Board decided that "the industry will extract from the data details concerning the lack of effect of restrictions themselves only and present these in a simple form"<sup>66</sup> and suppress the results on the health campaigns.

In 1987, INFOTAB distributed an 80-page updated Spokespersons' Guide on how to fight evidence linking smoking to addiction and lung cancer, advertising bans and warning labels to member NMAs and companies, including Tiedemanns' and ST CEOs. <sup>69, 70</sup> INFOTAB noted in a letter, "this material is of a sensitive nature and should be treated accordingly." <sup>70</sup>

# Undermining smoke-free laws

In the mid-1980s, Nordic countries began implementing SHS restrictions (table 2). PM Eastern Europe, Middle East, Africa region Corporate Affairs prepared a 34-page presentation on Environmental Tobacco Smoke (ETS, the industry's term for SHS) in the Nordic countries for a 1986 meeting of multinational company representatives in Geneva.<sup>6,71</sup> According to PM, "whether measured in terms of the social acceptability of smoking, or the prevalence of public and workplace smoking restrictions, the situation in the Nordic countries is deteriorating rapidly." Conference notes from a PM internal meeting on how to alter public perception of SHS in June 1987 indicated 'terrible trouble in Nordic countries' regarding SHS litigation and smoking restrictions that PM feared would 'spill over' to the Nordic region.<sup>7</sup>

In 1986, PM together with BAT started hiring local corporate affairs specialists in the Nordic countries and strengthening the NMAs to oppose SHS regulations.  $^{6,72-75}$  In 1987, PM began educating and working with Amer Tobacco personnel on SHS topics including 'ETS science' and drafted plans for NMAs to counter SHS restrictions before they spread elsewhere.  $^{6}$  (see Philip Morris, page  $9^{73}$ ) (see Kannangara, pages  $1-2^{76}$ )

The Swedish NMA organised the first Nordic NMA Working Group to address SHS in 1987. The PM's Corporate Affairs Manager in Stockholm reported to his PM colleagues in Europe and the USA that all major Nordic players, including multinational companies operating in the Nordic markets, had representatives at the meeting. The meeting convinced ST's CEO that all of the companies in the Nordic markets and elsewhere should craft a joint plan to oppose SHS on all fronts, starting with questioning of its harmful health consequences. In 1994, Swedish Match (former STs) became one of the Center for Indoor Air Research's (CIAR) sponsors along with PM, RJR and Lorillard. As with TIRC/CTR, the tobacco industry, led by the US companies, used CIAR to finance 'independent' research on SHS and other indoor air issues that served the industry's political, legal and regulatory needs. In 1994, Swedish Match (former STs) became one of the Center for Indoor Air Research's (CIAR) sponsors along with PM, RJR and Lorillard. As with TIRC/CTR, the tobacco industry, led by the US companies, used CIAR to finance 'independent' research on SHS and other indoor air issues that served the industry's political, legal and regulatory needs.

In 1989, PM, BAT, INFOTAB and the TI's Washington, DC-based law firm Covington and Burling, finalised an action plan to develop and staff a Nordic Industry Working Group. (see Philip Morris, page 13<sup>86</sup>) In December 1990, PM hosted a meeting in Geneva for local companies and multinational companies operating in the Nordic area in which the participants agreed to jointly tackle corporate affairs issues of general nature such as supporting smokers' rights groups (SRG). (SRG). The multinational companies discussed joint media monitoring, arranged spokesperson training for Nordic company representatives and SRGs. (SRG). In June 1991 meeting, multinational companies discussed joint strategies to

oppose the proposed laws regulating SHS in Sweden and health warning labels in Norway.  $^{91-93}$ 

## **Recruiting local scientists**

One of the tobacco industry's global strategies to oppose smoking restrictions was to recruit local scientists to publish papers and make public statements discrediting scientific knowledge of the dangers of SHS while concealing their ties to the tobacco industry. <sup>83, 94–97</sup> Beginning in 1987, Covington and Burling, who managed SHS issues for the industry worldwide, arranged as a part of the industry's International ETS Consultants Project, a group of PM-sponsored 'outside' scientists in the Nordic countries to act as ETS 'whitecoats.' <sup>98–100</sup>

Covington and Burling appointed Torbjörn Malmfors (a Swedish PhD who held an appointment as Adjunct Professor of Pharmacology at the Karolinska Institute and owned the consulting firm Malmfors Consulting Ab) to lead the Expert-gruppen för Riskbedömning av Inneluftens Hälsorisker (EGIL) (an acronym for a group of specialist on health risks of indoor air in Swedish) between 1987 and 1992 after Malmfors was screened by an American scientific consultant who reported to Covington and Burling that, "he [Malmfors] does not believe that any adverse health effects [of SHS] have been shown." <sup>101</sup> Malmfors quickly recruited about 10 medical doctors from Nordic countries into EGIL. With Covington and Burling funding, EGIL's members published peer-reviewed and popular articles criticising research findings on the dangers of SHS, attended NMA and PM media briefings and attended and monitored seminars sponsored by health organisations on issues such as workplace environment and risk perception. EGIL members also consulted with tobacco companies on regulatory and scientific matters such as opposing a smoke-free law in Sweden, acted as a specialist group in contacts with regulatory authorities and carried out research to obscure the health hazards of SHS, such as indoor air quality in passenger cabins and public perception of various health risks.<sup>5, 102–108</sup>

In May 1989, the Tobacco Institute worked with Covington and Burling to develop plans for local and multinational tobacco companies operating in the Nordic region to oppose Nordic Council of Ministers' recommendation that regional flights to be 100% smoke free. 109, 110 Several meetings among corporate affairs representatives from PM, BAT and Nordic companies and NMAs between June and December 1989 resulted in a strategy to oppose the airlines' plans to go smoke free. 111–115 The Nordic companies developed material to be used in contacts with Nordic airlines and draft letters from passengers to airlines to be forwarded by SRGs. 103, 113, 116, 117 In contacts with airlines, the tobacco industry lobbyists used the new industry funded and controlled study by Torbjörn Malmfors which claimed that ventilation could solve SHS problems in airplanes. 118 The industry failed to prevent the airlines from following Nordic Council's recommendation. 119 The Nordic tobacco companies released a timetable of scheduled flights to Nordic countries by non-Nordic airlines that still permitted smoking. 120

#### Campaign to discredit US Environmental Protection Agency report on SHS

Local Nordic companies also participated in PM's campaign to discredit the US Environmental Protection Agency's (EPA) 1992 report<sup>121</sup> concluding SHS was a 'class A' human carcinogen that caused lung cancer. <sup>122</sup> PM was concerned that this report, from a major environmental agency, would strengthen arguments for smoke-free laws in Nordic countries. Swedish Match's (SM) Vice President and its Scientific Adviser urged PM to challenge the EPA: "Sue them! Take them to court and make them defend their conclusions. We can't sue them in Sweden, otherwise we would" and offered to help pay for the

litigation.<sup>123</sup> The US tobacco companies did sue the EPA and won in the trial court on a procedural claim but lost on appeal.<sup>122</sup>

In 1996, the Nordic companies participated in the multinational tobacco companies' campaign to discredit a major epidemiological study by the International Agency for Research on Cancer (IARC) linking SHS to lung cancer 124 in an effort to prevent Nordic health authorities from using it to legitimise SHS restrictions. In particular, the multinational tobacco companies planned to undermine the IARC study scientifically by launching a number of counter studies (confounder studies and exposure studies), notably in Sweden and Finland. <sup>125</sup> Contacts were made with Swedish Tobacco. <sup>126</sup> These contacts were fruitful since ST (Tom Kaas) is listed as a company whose involvement has been secured from the project. 127 PM consultant Ragnar Rylander, a professor at Göteborg University, was selected to conduct a confounder study in Sweden, <sup>128</sup> which was funded by CIAR <sup>129</sup> after approval by its Board of Directors (comprised tobacco industry executives, including a representative of SM since 1994). The Swedish confounder study was eventually published in the European Journal of Public Health<sup>130</sup> without disclosing the tobacco industry's role in its sponsorship. 131–135 SM also paid part of the expenses for two long-time industry consultants, Lee 136–138 and LeVois, 139–141 who Covington and Burling hired to attack the IARC study. PM made agreements with local tobacco company top managers to act as spokespersons to attack the study in the media and with Nordic government officials. 142, 143

As the multinational and local companies feared, the EPA results and the fact that the IARC study was nearing completion <sup>124</sup> contributed to enacting smoke-free laws in the Nordic countries, <sup>2, 144, 145</sup> but the joint tobacco industry actions delayed enactment until 1993 in Sweden, 1994 in Finland and 1996 in Norway. <sup>2, 11, 146</sup>

# The role of the NMAs in undermining tobacco control

As in the USA and UK, beginning in the late 1970s, the Nordic NMAs implemented the multinational tobacco companies' strategies to deny the health dangers of tobacco and to undermine tobacco control policies (table 3).

When making submissions to oppose government proposals for tobacco control laws and issuing statements on their implementation, the NMAs represented themselves as independent trade organisations when, in fact, their statements were drafted by multinational tobacco industry lawyers (table 4).

The NMAs commissioned research to undermine tobacco control as suggested to the NMAs by PM and INFOTAB (table 5). The NMAs also shared the costs with PM and collaborated with PM to train local company representatives to act as spokespersons to discuss the results with the media or allies such as labour union leaders and regulatory authorities (table 5). The study results were discussed within the NMAs and with PM before being made public. PM wanted to make sure that the results in Nordic countries were in line with the international results. <sup>153</sup> In the case of a social cost of smoking study conducted in Finland in 1990 by a local economic research agency, Liiketaloudellinen Tutkimuslaitos, PM lawyers in New York requested major changes, including amending the statement "passive smoking causes health and other risks to non-smokers." <sup>168–170</sup>

As in the USA, <sup>94, 171</sup> Nordic tobacco companies hired ACVA (later renamed Healthy Buildings International, HBI) to carry out indoor air studies <sup>167</sup> that promoted the industry's message that SHS was merely a symptom of the larger problem of inadequate ventilation. <sup>172</sup> The Nordic NMAs also discussed strategies to use EGIL's work to oppose smoke-free laws. <sup>153, 154</sup> In 1987 and 1988, ACVA conducted 22 studies in Finland, Norway and Sweden. <sup>5</sup> Among the buildings to be studied in Sweden was the one that figured in the Gun

Palm case, in which the heirs of woman who had claimed that workplace SHS caused her lung cancer had been awarded enhanced workman's compensation. The case was approaching final decision in the Supreme Insurance Court, and PM was fighting to contain the potential fallout of both the public relations and the legal precedents. PM designed studies on workplace smoking attitudes to show that employees preferred 'accommodation' of smokers and non-smokers at workplaces instead of legislated smoking restrictions. These studies were used by local tobacco company representatives to prepare labour union workplace action plans. The same claim of the same claim of the same claim.

In 1988, PM sponsored a study in Sweden, with NMA follow-up in 1989, and the SRG commissioned a study in 1990 that concluded that workers preferred voluntary arrangements. <sup>107</sup> In 1991, the Swedish NMA used these results to lobby the Magnusson Commission established by the Swedish Government to prepare a new tobacco law. <sup>107</sup>

In 1980, PM's Norwegian distributor Langaard informed PM that a committee had been established to draft a product liability law.<sup>151</sup> There were no provisions that explicitly mentioned tobacco products but PM and BATwere nevertheless adamant that the mention of tobacco be dropped from the proposed law's 200 page preamble.<sup>177, 178</sup> Local tobacco industry representatives argued unsuccessfully that the proposed law should concern only defectively manufactured products and not allow damages caused when products were used as intended. In 1981, the tobacco industry supported a Norwegian Federation of Industries' statement criticising the proposal as anti-business.<sup>179, 180</sup> The reference to tobacco remained in the preamble of the Product Liability Act when it was passed.<sup>10</sup>

In 1993, PM's European Corporate Affairs Manager made an internal presentation to Eastern Europe, Middle East, Africa region employees listing a wide range of achievements in the Nordic area (table 6)<sup>181</sup> resulting from cooperation with Nordic NMAs and their local member companies.<sup>146</sup>

# **DISCUSSION**

In 2006, US District Court Judge Gladys Kessler ruled that PM, BAT and the other large US cigarette companies as well as CTR, CIAR and TI violated the US Racketeer Influenced and Corrupt Organizations Act. <sup>18</sup> Kessler's 1683-page final opinion also described the defendant companies' international strategies, particularly the role of international organisations such as INFOTAB. <sup>18</sup> Our analysis of connections between Nordic tobacco companies and multinational tobacco companies demonstrates that as early as 1972, the Nordic companies were well informed of and active participants in the multinational companies' scheme to obscure the dangers of smoking and SHS. <sup>4, 155, 182, 183</sup>

The results of this study show that strategies employed by the multinational tobacco companies to undermine tobacco control, including recruiting scientists, commissioning research, contacting politicians and submitting statements to governments, were utilised in the Nordic countries, where the tobacco industry paid most attention to blocking and delaying smoke-free laws. 57, 99, 184–191 The results demonstrate how the Nordic companies and the Nordic NMAs served as vehicles for the multinational companies to implement their strategies to protect sales not only in Nordic markets but worldwide. As early as 1972, the multinational companies identified emerging advertising bans, health warning labels and smoking restrictions proposed by health officials in the Nordic countries as a dangerous global precedent. Industry documents reveal a determined campaign by multinational companies, Nordic NMA's and local tobacco companies to stall proposed regulations before they could be 'spilled over' to larger market areas. 6,7 The multinational tobacco companies

paid most attention to Finland, Sweden and Norway, which the multinational companies considered as forerunner in tobacco control.<sup>6, 7</sup>

In 2000, the Norwegian Ministry of Health and Social Affairs commissioned a 906-page official report on tort liability for the Norwegian tobacco industry that concluded that Norwegian law and judicial practice allowed lawsuits against the tobacco industry for damages. <sup>190</sup> The Norwegian NMA submitted a 54-page statement to the Ministry opposing the conclusion. The NMA claimed, in particular, "Tiedemanns have not received information, either through INFOTAB or its connections with other international organisations, about tobacco issues which have not been publicly available." (see Falch, page 12<sup>10</sup>). The results in this paper show that this statement was false. The Ministry decided not to file a product liability case against the industry. <sup>150</sup>, <sup>190</sup>

In Finland in 2005, four women filed suit against BAT Finland and Amer Tobacco claiming that their addiction to light cigarettes caused their illnesses. <sup>11</sup> In Finland, Amer Tobacco denied in 2009 any attempt to prevent or postpone implementation of tobacco control measures or dissemination of health information. <sup>11</sup> While emphasising its role as an independent company, Amer Tobacco denied involvement in a campaign to deceive smokers and conspire against health authorities. The results from this study contradict these statements. The Court of Appeal in Helsinki accepted the companies' arguments and ruled in favour of the tobacco company defendants in 2010.

The Nordic companies and NMAs relied on multinational tobacco companies because they lacked legal and scientific knowledge and resources to handle controversies created by multinational companies in smoking and health issues<sup>54, 192</sup> and because the multinationals worked to engage the Nordic companies to ensure a uniform global position for the tobacco industry globally. Some of the Nordic companies briefly considered, but rejected, the option to admit to at least some of the dangers of tobacco use and cooperate with local health authorities<sup>45, 53, 55</sup> and admit smoking's health dangers. Doing so would have led to a conflict with multinational companies, something the local Nordic companies chose to avoid.

#### Implications for the Framework Convention on Tobacco Control

Article 20 of WHO Framework Convention on Tobacco Control commits parties to promote and facilitate the exchange of information regarding practices of the tobacco industry. <sup>193</sup> In implementing this requirement, it is essential for parties to focus on the operations of the multinational companies and on local tobacco companies and their organisations. Local companies may claim ignorance of multinational companies' strategies to undermine tobacco control while implementing those strategies secretly.

#### Limitations

Industry documents made publicly available may not represent all documents that might be relevant for this study. Only those documents produced in the Nordic area and sent to offices of the multinational companies were available. <sup>189, 194, 195</sup> The number of messages in the documents sent from representatives of multinational companies to their contact persons in the Nordic countries is much higher than the number of messages sent from the Nordic contact persons to multinational companies. Also tobacco companies have withheld documents on grounds of attorney-client privilege or work product. The documents may also be fragmentary with regard to their content and time covered, and they may provide only a partial picture of a tobacco company's activities.

#### **Conclusions**

Global tobacco control is contingent on diffusion of policy innovations and more comprehensive tobacco control policies. Local tobacco companies in the Nordic countries participated in the multinational companies' conspiracy to deny health dangers of smoking and oppose tobacco control measures because of the direct effects in Nordic countries and because of concern that such policies would spread to other countries. They worked individually and through NMAs with multinational companies to undermine tobacco control. As a result, tobacco control measures, particularly smoke-free laws, were delayed for several years. The local tobacco companies have publicly claimed ignorance of multinational tobacco company strategies while in fact they are implementing them vigorously. These experiences emphasise the importance for both sides of the debate of setting and defending precedents in tobacco control. They also demonstrate that in local debates over Framework Convention on Tobacco Control implementation, public health advocates and government officials cannot trust assertions by local tobacco companies that they are simply representing local interests, not those of the multinational tobacco companies.

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# What this paper adds

Tobacco companies and national manufacturer associations in Nordic countries
have claimed that they have not been part of multinational tobacco companies'
strategies to deny health hazards of smoking and undermine tobacco control as
part of a successful effort to avoid liability for tobacco-induced disease and to
oppose tobacco control policies.

• Multinational tobacco companies engaged local tobacco companies in the Nordic countries to ensure a uniform position in denying health dangers of smoking and opposing tobacco control measures because of the direct effects in Nordic countries and because of concern that such policies would spread to other countries. The Nordic experience demonstrates the importance of setting and defending both good and bad precedents in tobacco control for both sides of the debate. It also demonstrates that in local debates over Framework Convention on Tobacco Control implementation, public health advocates and government officials cannot trust assertions by local tobacco companies that they are simply representing local interests, not those of the multinational tobacco companies.

Table 1

Local tobacco companies in Nordic countries\*

	Early period (1950s through 1980s)		Later period (1990s through 2010)		
Company	Market share in 1981 <sup>14</sup>	Relationship to multinationals	Market share around 2000 <sup>2</sup>	Relationship to multinationals	
Denmark					
Scandinavian Tobacco Company (STC)	97%	BAT became a minority shareholder in 1974	96%	Acquired by BAT in 2008	
Finland					
Amer Tobacco	51%	Distributed PM brands (license)	75%	Amer Group divested from tobacco business in 2004 to improve its image as a sporting goods manufacturer	
Rettig	26%	Distributed RJR brands (license)	10%	Acquired by RJR in 1995	
Iceland					
No local companies					
Norway					
Tiedemanns	62%	Distributed BAT brands	75%	Acquired by STC in 1998, which was acquired by BAT in 2008	
Langaard	26%	Distributed PM and RJR brands	21%		
Stenberg			4%	Acquired by Imperial in 2006	
A. Asbjørnsens Tobaksfabrik				Closed in 2005	
Sweden					
Swedish Tobacco Monopoly until 1961	88%	None	75%	Cigarette operations acquired by Austria Tabak in 1999. Swedish Match specialised smokeless tobacco and cigars.	
Svenska Tobaks 1961–1992				In 2001, Austria Tabak was sold to Gallaher which, in turn, was acquired by Japan Tobacco in 2007	
Swedish Match					

In Sweden, PM operated through its subsidiary PM Sweden with a market share of 25% around 2000. In Finland, BAT operated through its subsidiary BAT Nordic with a market share of 15% around 2000. Altadis had a subsidiary in Finland, Seita Tupakka with a market share of 10% around 2000.

BAT, British American Tobacco; PM, Philip Morris; RJR, R.J. Reynolds; STC, Scandinavian Tobacco Company.

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 $\label{eq:Table 2} \textbf{Smoke-free initiatives in the Nordic countries in the 1970s and 1980s$^{2,\,4}$}$ 

Year	Country	Measure
1972	Norway	The National Council on Tobacco and Health presented a special report entitled 'On Passive Smoking'
1977	Iceland	Ministry of Health made all public buildings and public transport smoke free
1982	Sweden	Revised Medical Services Act stipulated that local councils are responsible for implementing preventive measures including smoke-free public places and workplaces
1983	Sweden	The National Board of Occupational Safety and Health, together with National Board of Welfare and Health issued general guidelines on smoking restrictions in public places and in shared workplaces
1984	Iceland	Smoking banned on all domestic commercial flights and in places with public access. Smoking severely restricted in workplaces
1985	Norway	The National Council on Tobacco and Health presented the report 'Clean air for everyone—the right to breathe smokefree air', containing a proposal for a clean air act
1987	Cross Nordic	Initiative by the Nordic council to harmonise tobacco legislation in the Nordic area
1988	Norway	Clean Air Act adopted: provides smoke-free air in public places and on public transportation
1988	Sweden	The county council of Västernorland prohibited smoking on all workplaces
1989	Denmark	Project 'Smokefree year group' targeted at children and young people implemented
1987	Cross Nordic	Initiative by the Nordic council recommended that all Nordic airlines go smoke free on Nordic flights

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Table 3

he Nordic area 1980-2000

	Denmark	Finland	Finland Iceland Norway	Norway	Sweden
Opposed smoking restrictions					
Smoke-free $laws^{6,72,106}$		×		×	×
Airline smoking bans <sup>73</sup>	×	×	×	×	×
Supporting Smokers Rights Groups <sup>72, 102</sup>	×	×		×	×
Opposed other tobacco control policies					
Health warning labels 72, 146		×	×	×	×
Advertising bans <sup>72</sup>		×		×	×
Product liability laws <sup>147–150</sup>				×	
Tax increases <sup>73, 75, 102, 145, 151</sup>		×		×	×
Commissioned research <sup>102, 106, 152</sup>	×	×		×	×
Scientific witness programme (EGIL) $^{106,152,153}$	153				
Media briefings		×		×	×
Criticising SHS science		×		×	×
Consulting NMAs		×		×	×
Participating in seminars		×		×	×

EGIL, Expertgruppen för Riskbedömning av Inneluftens Hälsorisker; NMAs, National Manufacturers Associations; SHS, secondhand smoke.

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Table 4

Examples of multinational industry's involvement in Nordic NMA's statements

		Drafts or comments by		
Issue	NMA/country	tobacco company or affiliate organisation	Year	Outcome
Proposal for voluntary restrictions on SHS <sup>4, 155</sup>	Norway	Tobacco Institute	1972	No restrictions were issued
Enactment of product liability law <sup>148</sup>	Norway	Philip Morris BAT Covington & Burling ICOSI	1980	No provisions that explicitly mentioned tobacco products
Proposal for new health warning labels <sup>6, 156</sup>	Sweden	Philip Morris	1985	7 out of 16 labels made more favourable to the industry
Proposal to ban the use of words such as 'light' and 'mild' 157	Finland	Philip Morris	1986	Delayed until 2002
Proposal for a new tobacco law <sup>76, 158</sup>	Norway	Philip Morris	1986	Alliance with employers association and labour unions: blocked until 1988
Government publication on health hazards of smoking 159-161	Sweden	Philip Morris Covington & Burling	1989	Publication was revised by health authorities to accommodate tobacco industry's concerns
Ban on new nicotine products <sup>103</sup>	Norway	Philip Morris BAT Covington & Burling	1989	Law proposal was redrafted
Proposal for a new tobacco law162	Finland	Philip Morris	1992	Law was delayed
Inclusion of SHS in the list of carcinogenic substances 163, 164	Finland	Philip Morris	1992, 1995	Implemented

BAT, British American Tobacco; ICOSI, International Committee on Smoking Issues; NMAs, National Manufacturers Associations; SHS, secondhand smoke.

Table 5

Commissioned research in the Nordic area by PM between 1987 and 1989

Aim	Project	Country	NMA involvement
Countering restrictions on marketing freedoms	Juvenile smoking study <sup>72, 153, 165, 166</sup>	Finland Norway Sweden	Shared costs with PM, publicised results
Re-establishing smokers' self-esteem	Workplace smoking attitudes 103, 107, 153	Finland Norway Sweden	Shared costs with PM, publicised results Acted as spokespersons Shared costs with PM, publicised results
Social acceptance of smoking	Indoor air quality studies <sup>5, 103, 108, 167</sup>	Finland Norway Sweden	Publicised results, shared costs, acted as spokespersons Publicised results
Ensuring favourable taxation	Cost-to-society studies <sup>153, 168, 169</sup>	Denmark Finland	Publicised results, shared costs Commissioned study, shared costs with PM

NMAs, National Manufacturers Associations; PM, Philip Morris.

Table 6

Internal PM report on corporate affairs achievements in the Nordic countries in 1992

Proclaimed achievement <sup>181</sup>	NMA and local company involvement
Proposals to introduce new health warning labels against the European Community health warning label directive were defeated in Finland and in Norway	NMA statements
"The Swedish Tobacco Commission ad ban proposal has been held back thanks to effective GR [government relations] activities"	Lobbying through SRG
"The Danish position blocking an EC [European Community] ad ban decision has remained in place"	NMA statement
"Despite fierce attempts by the Ministry of Health, the Liberal Party and the anti-tobacco movement, no Swedish Tobacco Law proposal was presented in 1992"	Lobbying with NMA, EGIL and $SRG^{146}$
"In Finland, a proposal by the Board of Occupational Safety and Health to classify ETS as a workplace carcinogen was defeated"	NMA statement
"The Tobacco Act Amendment proposal in Finland aiming at banning workplace smoking, trade information and brand diversification was not published, though initial agenda was to have it approved in the Parliament by mid Summer"	Lobbying with Amer Tobacco <sup>146</sup>
"In Norway, a proposal to ban smoking in so called multi-purpose premises (restaurants, cafes) was postponed"	Alliance with Hotel and restaurant association
The US EPA onslaught was pre-empted by production and distribution to media and workplace interest groups of a special EPA debate leaflet	Spokesperson within NMA's and local Nordic companies, SRG's, EGIL
"The second Global Smokers' Rights Group was held in October in Denmark, creating media and political action globally"	Nordic NMA's
"The 14th year of the Finnish PM Ballet Flower Award, with major TV and press coverage"	Arranged by Amer Tobacco

EGIL, Expertgruppen för Riskbedömning av Inneluftens Hälsorisker; EPA, Environmental Protection Agency; ETS, Environmental Tobacco Smoke; NMAs, National Manufacturers Associations; SRG, smokers' rights groups.