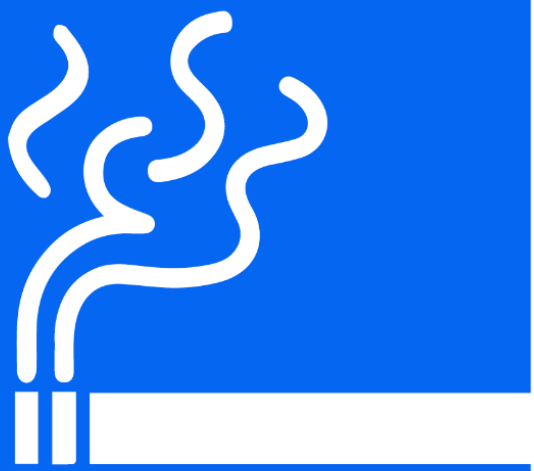

MERCY FOR ANIMALS

The fight over smoking in the U.S. (1964–2000):

A case study offering some parallel pathways for animal advocates

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Executive Summary

Introduction

At the height of American tobacco use roughly 45% of American adults reported having smoked a cigarette in the previous week. In 2021, only 16% said the same.[1] What is behind the dramatic decline in cigarette use since its mid-century peak? The answer lies in tracing the fight to shift public sentiment and policies around smoking. This struggle, particularly the efforts of advocates, offers valuable lessons to proponents of other social change, including farmed animal advocates.

At the heart of this transformation is the generative nature of controversy, which emerges, evolves, and enables societal change over time. This change begins when a small group of people ask questions and, in light of new knowledge, object to a once largely accepted practice that had been situated in the realm of private choice. While these early voices are often few, relatively powerless, and generally unamplified, with time and perseverance they can move their message from the margins of society inward, gaining more people who are sympathetic to and supportive of it. In so doing, they shift the conversation from the private realm to the public sphere as society reinterprets the issue and its perceived significance. In this process, societal norms are disrupted and can be changed.[2]

As controversy grows, stakeholders wishing to maintain the status quo, often to protect their interests, fight back. If the issue continues to occupy space on the public agenda despite these defensive efforts, power holders will recognize the need to respond formally through systemic changes.[3] Importantly, the more reasons advocates offer for recasting a practice as controversial, the more formal contexts and institutional decision-makers will be involved. As institutional changes increase, advocates become less central. Significantly, this does not mean that the issue is fully resolved, as the fight can take different forms in response to future developments. But it does mean that the controversy was generative enough to effect enduring societal change.

This case study offers a short history of tobacco products in the United States before presenting a general outline of the major players, strategies, and tactics that the tobacco industry and the anti-smoking movement employed between 1964 and 2000. The study then offers a closer look at the industry's and advocates' contestation on several key fronts: research, public engagement, legislation, and court cases. Throughout, it demonstrates parallels from the controversy over smoking to animal advocates in hopes of increasing their effectiveness and ultimately, their impact. These key parallels from each area of intervention are noted below.

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[1] Gallup, *Tobacco and smoking* (n.d.). Retrieved March 3, 2022, from https://news.gallup.com/poll/1717/tobacco-smoking.aspx

[2] Olson, K. M., & Goodnight, G. T. (1994). Entanglements of consumption, cruelty, privacy, and fashion: The social controversy over fur. *Quarterly Journal of Speech*, *80*(3), 249–276.

[3] Baumgartner, F. R., & Jones, B. D. (2010). *Agendas and instability in American politics*. University of Chicago Press.

Parallels and potential pathways

Research

- As part of its strategy, the tobacco industry created research bodies and funded research to defend its interests. Animal agribusiness has used the same approach but to a much greater degree and with a broader scope. An initial move by animal advocates could be to map this web of influence, which could provide a richer view of how the industry operates and may reveal potential areas of intervention.
- The lines of research that provided evidence of smoking's many dangers involved a large number of researchers from different fields and institutions. Early research was conducted in great part by academics and at times funded by organizations such as the American Cancer Society. By proactively working with academics across a variety of disciplines, animal advocates may gain from both their credibility and their spheres of influence.
- Research in the fight over smoking broadened over time to include a much wider range of concerns—additional firsthand health impacts and additional threats from secondhand smoke, as well as smoking's impacts on specific populations, such as women and minorities. Surgeon general reports, for example, painted a starker picture of the problems connected to the tobacco industry. Animal advocates have an opportunity to encourage a similar widening of scope, which has already begun through support and promotion of research tying animal agribusiness to threats such as pandemics, climate change, and antibiotic resistance.
- Support from key voices within the research community and specifically the medical establishment (including publications and associations), while slow and hard-won in some quarters, mounted over time and became instrumental in making the case against smoking. Animal advocates may do well to focus efforts on shifting opinion in key areas, such as animal welfare science, which could impact not only the field itself but more-public forums, such as legislative hearings and news reports.
- Some of the most important opportunities for anti-smoking advocates came from gaining access to internal industry documents, which greatly diminished the credibility of the industry by revealing its unethical target marketing and ongoing deception. Animal advocates have garnered attention and outrage through undercover investigations, particularly those that expose animal cruelty, but they may also benefit from research into available industry documents that reveal the animal agriculture industry's disregard for people's health, animals, and the environment.[4]

Public engagement

- In the face of escalating opposition, the tobacco industry played offense by highlighting the cherished American value of consumer choice. But advocates were able to advance

[4] Brownell, K. D., & Warner, K. E. (2009). The perils of ignoring history: Big Tobacco played dirty and millions died. How similar is Big Food?. *The Milbank Quarterly*, *87*(1), 259–294.

their arguments even on this difficult ground by shifting the conversation to youth and the victims of secondhand smoke, both of which they plausibly argued were not truly positioned to make a choice. Opponents of animal agribusiness could explore the possibility of making similar claims, pointing to youth-focused advertisements and potentially highlighting the absence of choice for animals in the system.

- While there is little indication that the broad range of oppositional forces strategically coordinated efforts, a wide variety of groups attacked the tobacco industry on a multitude of fronts over a sustained period, almost certainly making it increasingly difficult for the industry to withstand their assault. Those seeking to transform the food system may benefit from being even more intentional by building coalitions and creating collaborative tactics and strategies across groups and issue areas.
- Smoking opponents successfully drew the public's attention to the evils of the tobacco industry while backdropping the farmers producing the tobacco. This was an insightful move, given that Americans generally dislike corporate power but have an affinity for farmers. Animal advocates who have long wrestled with this may do well to more intentionally highlight companies such as JBS and their leaders, which most Americans are largely unaware of, so that over time animal products become less associated with farmers and more associated with major corporate power.
- Successful campaigns and events by anti-smoking groups often demonstrated a high level of creativity and used sophisticated techniques, such as reframing to get the public's attention and change their perspectives. While animal advocacy groups appeared to undertake more of these activities in the 1980s and 90s, less attention has been placed on organizing and public awareness tactics more recently. The movement could more deeply explore the impact of tactics such as spoof ads, public spectacles, and recurring events to gain attention and garner support.
- While not a center point for tobacco opponents, public events such as the Great American Smokeout provided the opportunity not only for smokers to quit but for the issue to draw media attention and municipalities to get involved, demonstrating broader support for the opposition. While the Great American Meatout received some attention for several years after its inception, interest has largely fallen away. Animal advocates may do well to offer greater support to programs such as Veganuary and Meatless Monday, which operate very similarly and could offer similar benefits.

<u>Government and public policy work</u>

- Over time anti-smoking advocates succeeded in securing hearings for bills related to tobacco in a set of committees broader than that of agricultural committees in a range of more favorable jurisdictions. As the threats posed by animal agribusiness multiply to more clearly impact personal and public health, as well as the environment, similar opportunities are likely to arise for animal advocates.

- The decision by the American Cancer Society, the American Heart Association, and the American Lung Association to found the Coalition for Smoking OR Health, along with their lobbying efforts led by Matthew Myers, formerly at the FTC, was a strategic one. Animal advocates may also wish to explore the benefits of creating political coalitions, both to pool resources and to broaden the set of arguments advanced.
- Ballot initiatives in states such as California resulted in major changes that favored smoking opponents, such as notable tax increases and broader product promotion restrictions. Animal advocates have already seen the power of ballot initiatives such as California's Proposition 12 and Massachusetts's Question 3 to hold animal agribusiness accountable to less cruel standards. While industry reactions, such as court challenges, must be considered, this strategy may continue to be worthwhile as not only a means of securing substantial political change but a way of offering a center point for organizing and strong potential for earned media.
- Anti-smoking advocates pursued local legislation in a number of jurisdictions, with a fair amount of success realized in more-progressive cities. While preemption by federal and state lawmakers remains a concern, recent advancements in similar cities may encourage animal advocates to further explore these types of interventions.[5] [6]
- Smoking opponents built relationships with people in key agencies at the federal and state levels who, in their specific capacities (e.g., FCC, FTC, OSHA), advanced advocates' political interests, often as advocates also pursued legislative efforts. Opponents of animal agribusiness may do well to investigate staff at relevant agencies to identify potential advocates and allies.

<u>The courtroom</u>

- The Tobacco Products Liability Project coordinated the efforts of various plaintiffs' lawyers and facilitated information sharing between these lawyers and scientific researchers. Within animal advocacy, this strategy may be particularly pertinent to those working on the environmental, antitrust, and legislative fronts, where allies from various backgrounds can plan coordinated legal strategies and share information that could benefit a variety of litigation topics.
- At times, litigation provided additional opportunities to broaden concerns over the industry and expand the number of stakeholders united in opposition to smoking. A clear example of this was the strategy of engaging state attorneys general by initially quantifying and then building arguments around the health costs to states of smoking-related illnesses. Given the multiple concerns related to animal agriculture,

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[5] Webber, J. (2021, July 28). Berkeley becomes first US city to phase out all animal products it serves. *Plant Based News*. https://plantbasednews.org/culture/law-and-politics/berkeley-city-animal-products/

[6] Compassion in World Farming (2021). San Francisco supports the Farm System Reform Act. https://www.ciwf.com/blog/2021/11/san-francisco-supports-fsra?utm_campaign=factoryfarming&utm_source=twitter&utm_medium=ciwf

including animal welfare issues, environmental impact, industry consolidation, disease risk, and potential adverse health conditions, animal advocates may be able to secure similar litigation on behalf of farmed animals.

- Lawyers and other stakeholders strategically leveraged the media to move the controversy from the confines of the courtroom to the wider public realm where a narrative could be created challenging the reputation of tobacco companies while garnering support for their victims. Animal advocates could utilize their various public platforms, including social media, to publicize legal cases while simultaneously educating the public about the industry more broadly.
- In the fight over smoking, industry documents often became publicly available through legal proceedings. These documents contain information that may provide a more accurate depiction of events than other publicly available information. Animal advocates should closely monitor legal proceedings such as those associated with antitrust or workplace litigation for the release of internal industry documents.

Lessons from the fight over smoking (1964 to 2000)

Section 1: Introduction

At the height of tobacco use in the United States, roughly 45% of American adults reported having smoked a cigarette in the previous week. In 2021, only 16% said the same.[7] What is behind the dramatic decline in cigarette use since its mid-century peak? The answer lies in tracing the fight to shift public sentiment and policies around smoking. This struggle, particularly the efforts of advocates, offers valuable lessons to proponents of other social change, including farmed animal advocates.

After publication of the groundbreaking surgeon general's report in 1964, advocates played a key role for decades by asking questions and raising objections to smoking. They did so by gathering evidence on a number of fronts, drawing the public's attention to their messages, and in time, moving smoking first to political and legal agendas and then firmly to government agencies to control. After this societal transformation, most visible through the 1998 *Master Settlement Agreement*, which provides funds to states for anti-smoking promotion and a sweeping set of new regulations, the central role of advocates declined.

At the heart of this transformation is the generative nature of controversy, which emerges, evolves, and enables societal change over time. This change begins when a small group of people ask questions and, in light of new knowledge, object to a once largely accepted practice that had been situated in the realm of private choice. While these early voices are often few, relatively powerless, and generally unamplified, with time and perseverance they can move their message from the margins of society inward, gaining more people who are sympathetic to and supportive of it. In so doing, they shift the conversation from the private realm to the public sphere as society reinterprets the issue and its perceived significance. In this process, societal norms are disrupted and can be changed.[8]

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[7] Gallup, *Tobacco and smoking* (n.d.). Retrieved March 3, 2022, from https://news.gallup.com/poll/1717/tobacco-smoking.aspx

[8] Olson, K. M., & Goodnight, G. T. (1994). Entanglements of consumption, cruelty, privacy, and fashion: The social controversy over fur. *Quarterly Journal of Speech*, *80*(3), 249–276.

[9] Baumgartner, F. R., & Jones, B. D. (2010). *Agendas and instability in American politics*. University of Chicago Press.

the more formal contexts and institutional decision-makers will be involved. As institutional changes increase, advocates become less central. Significantly, this does not mean that the issue is fully resolved, as the fight can take different forms in response to future developments. But it does mean that the controversy was generative enough to effect enduring societal change.

Rationale

Rationale for choosing the topic

While many controversies could be studied, the fight over smoking is particularly instructive for animal advocates on several fronts, owing to the parallels in necessary paths of persuasion. First, and perhaps most notably, the majority of Americans considered smoking normal before opponents effectively challenged the practice through a multifront assault over many decades. The same shift from normalcy is at the heart of advocacy concerning consumption of animal products. Second, both fights pit advocates against a colossal industry with inroads to multiple facets of American life and politics. Third, the smoking controversy engaged people as both consumers and citizens. Like animal advocates, anti-smoking advocates worked to influence sweeping numbers of people as both consumers making individual choices and citizens creating social change by pressuring government and corporate entities. Finally, the product framing is similar, with both industries foregrounding the pleasure of the consumption moment and their opponents presenting a broad view of the products' inherent problems and their impacts.

Rationale for focusing on both the industry and advocates

As noted, controversy by its very nature is dynamic. As they seek to transform society, advocates make once unquestioned practices controversial through a wide variety of tactics that often build on one another. In addition, advocacy efforts do not go unchecked by those who stand to lose from this shift. As a result, controversy involves not only objections but contestation between social change agents and those aiming to maintain the status quo. In this light, this case study investigates both the strategies and the tactics of anti-smoking advocates, as well as those of the tobacco industry. Anti-smoking advocates needed to counter industry activities, and the industry needed to respond and adapt to their efforts. Animal advocates will find lessons in this dynamic.

Rationale for the time frame (1964–2000)

This study focuses on a specific period, 1964 to 2000. While opposition to tobacco had earlier chapters and certainly continues today with new products and practices such as vaping still emerging, this time frame was chosen because of the major role NGOs played in creating controversy around smoking. After the release of the 1964 surgeon general's report, a variety of health organizations began to band together and become more strategic, in terms of both raising public awareness and pursuing political objectives. Later, grassroots organizations emerged as the battle lines changed and new fronts of opposition opened up. The work of all these organizations created an enduring controversy that resulted in both attitudinal and behavioral changes in the U.S. public and laid the foundation for negotiations with the industry. The

controversy over animal products in the United States is just now gaining real momentum and therefore can benefit most from an analysis of anti-smoking advocates' early efforts.

Limitations

This case study does have important limitations that should be kept in mind. First, although many important similarities exist between the two movements, there are also clear differences, including the unambiguous health hazards posed by smoking, the more peripheral role of smoking in everyday life, and the contrast in the movements' fundamental natures: Anti-smoking advocates can reap much clearer personal benefits than animal advocates. In addition, important differences in the contexts are observed, such as a dramatically altered media landscape and a somewhat more polarized political situation. Second, the study focuses on the United States, and while advocates have pursued similar campaigns in other countries, any extension of the paper's recommendations to other countries or regions should be made with caution. Case study research, by definition, is deeply tied to the place and time in which events occur, so what works in one place may not work in another. Third, although many products and practices are associated with tobacco, such as smoking e-cigarettes and chewing tobacco, this case study focuses solely on smoking cigarettes. Fourth, the nature of the fight over smoking, particularly from 1964 to 2000, unfortunately offers very few lessons regarding corporate engagement, which includes interventions aimed at the companies themselves, as neither smoking opponents nor the industry pursued this approach to any meaningful degree prior to the *Master Settlement Agreement* and then only in a very limited way. Fifth, while the case study's authors made an effort to review primary sources as is consistent with best practice, they often had to rely on secondary sources because of the difficulty of obtaining some dated and not widely available primary sources. Finally, this case study is the product of qualitative research, which, by its very nature, does not seek to and cannot make claims based on generalizability. Instead it aims to surface potential aspects of interest, point to compelling similarities, and raise questions for practitioners to consider as they pursue the most-effective strategies possible.

Overview

This case study begins with a short history of tobacco products in the United States before offering a general outline of the major players, strategies, and tactics that the tobacco industry and the anti-smoking movement employed between 1964 and 2000. The study then offers a closer look at the industry's and advocates' contestation on several key fronts: research, public engagement, legislation, and court cases. Throughout, it offers recommendations from the controversy over smoking to animal advocates in hopes of increasing their effectiveness and ultimately, their impact.

Section 2: Background on the topic, the industry, and advocates

Smoking in the United States prior to 1964

Tobacco's history in the Americas dates back millennia. The widespread use of tobacco predates the United States to such an extent that, by the nation's founding in 1776, tobacco was a pillar of the fledgling country's economy.[10] Tobacco's import and influence grew in the 1880s, when the invention of the cigarette-rolling machine ensured that cigarettes could be mass-produced[11] and would replace other tobacco products as the milder, more convenient option.[12]

Industrialists quickly seized on the opportunity to produce tobacco and profits on a broader scale. In the 1880s, James Duke aggressively entered the cigarette market, and by 1890 he was president of the American Tobacco Company (ATC). ATC was a conglomeration of his company and the other four major cigarette manufacturers, who together were producing 90% of the country's cigarettes.[13] But the behemoth was relatively short-lived: The U.S. Supreme Court in 1911 handed down an antitrust ruling against the tobacco giant, finding that ATC had infringed on industrial competition safeguards. As a result, the company's assets were redistributed into four large companies and a handful of smaller outfits that together would dominate the industry.[14]

Industrialized cigarette production—and the product's convenience for smokers—popularized tobacco among the masses. Cigarettes had become the most popular avenue of tobacco consumption in the United States by the early 1920s,[15] and their increasing popularity among women was an essential driver of this expanding market. Women consumed just 12% of the total cigarettes sold in 1929,[16] according to estimates, but they began smoking in greater numbers, narrowing the gender gap in smoking's popularity and social acceptability. A review of studies showed about half of American men smoked cigarettes at any given point from the mid-1930s through the mid-1960s, whereas the rate among women rose from about 20% to 35% across that same period.[17]

While industrialization had made the product more convenient and appealing, the government provided an engine for mass distribution, supplying cigarettes to millions of American soldiers during the two world wars. The government distributed free cigarettes to troops during WWI and

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[10] Hahn, B. (2011). *Making tobacco bright: Creating an American commodity, 1617–1937*. Johns Hopkins University Press.
[11] Edwards, P. (2015, April 6). What everyone gets wrong about the history of cigarettes. *Vox*. https://www.vox.com/2015/3/18/8243707/cigarette-rolling-machines
[12] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[13] Tennant, R. B. (1950). *The American cigarette industry.* Yale University Press. As cited in Goodman, J. (2005). *Tobacco in history: The cultures of dependence*. Routledge.
[14] Goodman, J. (2005). *Tobacco in history: The cultures of dependence*. Routledge.
[15] Tennant, R. B. (1950). *The American cigarette industry.* Yale University Press. As cited in Goodman, J. (2005). *Tobacco in history: The cultures of dependence*. Routledge.
[16] Goodman, J. (2005). *Tobacco in history: The cultures of dependence*. Routledge.
[17] Waldron, I. (1991). Patterns and causes of gender differences in smoking. *Social Science & Medicine, 32*(9), 989–1005.

included cigarettes among the rations during WWII.[18] [19] In 1943, U.S. companies manufactured 290 billion cigarettes,[20] and a propaganda machine that portrayed cigarettes as patriotic and a symbol of heroism further drove sales.[21] By 1949, 44%–47% of Americans 18 years or older smoked, about half of all men and one-third of women.[22] If the federal government's aim had been to create new generations of smokers after WWII, it could have safely unfurled a "mission accomplished" banner by the decade's end.

Leaving no source of influence untapped, the industry also grew its market through aggressive advertising. Tobacco companies were the first to dip their toes into what we now call mass advertising, as Camel cigarettes launched the first known marketing campaign of this kind in 1913.[23] Shortly after, the industry began targeting the growing cohort of women smokers. The first advertisement depicting women finding smoking desirable appeared in 1926, and subsequent advertising told women that smoking was a distinguishing personality trait and a practice that benefited their figures.[24] In 1929, the well-known public relations agent Edward Bernays branded cigarettes "torches of freedom" and hired fashion models to execute a cigarette-smoking "freedom march" across Fifth Avenue during the year's Easter parade.[25] Cigarette advertising to women continued to promise liberation, desirability, and pleasure.

Emerging health concerns around smoking didn't begin catching up to the industry until the 1950s, when research began to causally link smoking to health concerns such as lung cancer. Smoking remained a socially accepted practice[26] that consumers viewed as a personal choice. While early critics of smoking had emerged in the United States during the Temperance Movement, they were largely ineffective in curbing consumption. Significant objection to the normalized habit of smoking didn't come until research supported it, and early anti-smoking

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[18] Bius, J. (2018). *Smoke 'em if you got 'em: The rise and fall of the military cigarette ration*. Naval Institute Press.
[19] Tate, C. (2000). *Cigarette wars: The triumph of "the little white slaver."* Oxford University Press.
[20] Gunderman, R. (2018, November 26). Smoking rates in U.S. have fallen to all-time low, but how did they ever get so high? *The Conversation*. https://theconversation.com/smoking-rates-in-us-have-fallen-to-all-time-low-but-how-did-they-ever-get-so-high-107185
[21] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[22] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.
[23] Pierce, J. P., & Gilpin, E. A. (1995). A historical analysis of tobacco marketing and the uptake of smoking by youth in the United States: 1890–1977. *Health Psychology, 14*(6), 500–508.
[24] Goodman, J. (2005). *Tobacco in history: The cultures of dependence*. Routledge.
[25] University of Ottawa Library (n.d.). *Torches of freedom campaign*. Retrieved March 3, 2022, from https://biblio.uottawa.ca/omeka2/jmccutcheon/exhibits/show/american-women-in-tobacco-adve/torches-of-freedom-campaign
[26] Cummings, K. M., & Proctor, R. N. (2014). The changing public image of smoking in the United States: 1964–2014. *Cancer Epidemiology and Prevention Biomarkers*, *23*(1), 32–36.

advocates were instrumental in calling for more research and using this research to begin public debate over smoking.

Public discourse about smoking heated up in January 1964 with the first surgeon general's report on smoking and health. The report collected and analyzed a sizable data set gathered over the preceding decades and provided the American public with an unquestionable causal link between cigarette smoking and adverse health outcomes. In response, the tobacco industry began a coordinated counterattack, which it maintained and adapted over the coming decades.

Background on the industry and its tactics, 1964–2000

Throughout the period under consideration, the tobacco industry comprised very few companies, and by 1997, the top four firms, Philip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard, shared 98% of the market.[27] Other major companies during this time included the American Tobacco Company and Liggett and Myers. Although clearly in competition, the companies often worked in concert, both explicitly (e.g., by forming the Tobacco Institute) and incidentally (e.g., through use of common tactics). The 2000 surgeon general's report outlined nine key tobacco industry tactics cataloged by anti-smoking organization The Advocacy Institute:[28] alliances, front groups, campaign funding, lobbying, legislative action, intimidation, buying expertise, philanthropy, and advertising and public relations.

Front groups—entities an industry either forms or opaquely funds[29]—and strategic alliances have been popular tactics for the tobacco industry. Front groups can create the illusion of interested and independent stakeholders concerned enough to unite for a common cause. Two of the most renowned tobacco industry groups, Council for Tobacco Research and the Tobacco Institute, served as quasi front groups. Both played essential roles in executing many of the tactics reviewed here, such as buying the expertise of epidemiologists and medical researchers to promote their own interests. Other notable front groups included the National Smokers Alliance[30] and the Center for Indoor Air Research.[31] The industry also allied itself with groups with aligning interests; these included restaurants, grocers, merchants, civil liberties unions, and advertising institutes and organizations. By positioning itself alongside these groups, the industry established a "strong front" against anti-tobacco actions.

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[27] Wolfson, M. (2017). *The fight against big tobacco: The movement, the state, and the public's health.* Routledge.

[28] Advocacy Institute (1995). *Comprehensive framework and analysis of tobacco industry strategies and tactics* [draft]. As cited in U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf

[29] Tobacco Tactics (2019). *Front groups.* https://tobaccotactics.org/wiki/front-groups/

[30] Sweda, E. L. & Daynard, R. A. (1996). Tobacco industry tactics. *British Medical Bulletin, 52*(1), 183–192.

[31] Drope, J., & Chapman, S. (2001). Tobacco industry efforts at discrediting scientific knowledge of environmental tobacco smoke: A review of internal industry documents. *Journal of Epidemiology and Community Health*, *55*, 588–594.

Over the decades, tobacco companies have also honed their ability to communicate with the public through advertising and public relations. Becoming masters of communication and image management meant that the industry could control the narrative around its products, the science, and its overall image. Sponsoring events and groups became a crucial way to gain brand recognition and build a socially responsible image. Data cited by the National Cancer Institute[32] found that from 1995 to 1999, the five largest tobacco companies spent at least $365 million to sponsor events and support charitable causes, most prominently sports attractions and hunger relief. The rest went to targeted audiences, such as youth, women, and marginalized groups, or to issues such as domestic violence, education, and the environment. From a public relations perspective, the industry's philanthropy was a way to "buy innocence"[33] to help weather past and future negative press.

A less endearing tactic employed by the tobacco industry was intimidation. According to The Advocacy Institute, intimidation can occur through several avenues, such as legal, economic, and personal actions. As to legal actions, the industry sought to discourage anti-tobacco advocates through prolonged litigation, injunctions, and outspending plaintiffs. Economic intimidation included withdrawing funding from researchers who published unfavorable results[34] and withdrawing advertising contracts from companies that also ran anti-smoking ads.[35] For instance, the Tobacco Products Liability Project's Ed Sweda and Dick Daynard[36] describe how the industry intimidated individual researchers through injunctions preventing them from discussing their work after leaving the industry and the subpoena of independent researchers' data. Finally, multiple tobacco companies targeted media and journalistic outlets. Examples are Philip Morris's filing of a $10 billion lawsuit against ABC over a *60 Minutes* program on nicotine; Brown & Williamson's subpoenaing news organizations for internal documents; and Philip Morris and R.J. Reynolds Tobacco reportedly obtaining the personal credit cards and phone records of journalists to identify a confidential source.[37]

On the legislative front, tobacco companies, their front groups, and their allies promoted their interests through lobbying, campaign funding, and legislation. The industry has spent millions of

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[32] National Cancer Institute (2008). *The role of the media in promoting and reducing tobacco use. Tobacco Control Monograph No. 19.* https://cancercontrol.cancer.gov/sites/default/files/2020-08/m19_complete.pdf
[33] Advocacy Institute (1995). *Comprehensive framework and analysis of tobacco industry strategies and tactics* [draft]. As cited in U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*.
https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[34] Howells, G. (2011). *The tobacco challenge: Legal policy and consumer protection*. Routledge.
[35] Landman, A. (2000). Push or be punished: Tobacco industry documents reveal aggression against businesses that discourage tobacco use. *Tobacco Control*, *9,* 339–346.
[36] Sweda, E. L. & Daynard, R. A. (1996). Tobacco industry tactics. *British Medical Bulletin*, *52*(1), 183–192.
[37] Kurtz, H. (1995, November 10). 60 minutes' kills piece on tobacco industry. *Washington Post.*
https://www.washingtonpost.com/archive/politics/1995/11/10/60-minutes-kills-piece-on-tobacco-industry/e8edb45c-57f4-4f34-9d7f-3b25db60b2d6/

dollars fighting bills and funding political action committees.[38] [39] One exceptionally successful tactic was lobbying key committee chairmen who had substantial power over which bills the U.S. House or Senate heard.[40] Another of its tactics was preempting strong anti-smoking measures at the local level by seeking weaker restrictions at the state level.[41] [42] In both cases the industry aimed to resist and thwart regulation of its products at all levels.

Background on the advocates and high-level strategies, 1964–2000

Between 1964 and 2000, the anti-smoking movement was composed of a wide swath of organizations that worked to transform the public's perception of smoking while actively opposing the industry on several fronts. Over more than 35 years, they broadened their strategies and tactics to make smoking more controversial and less socially accepted.

They deployed three major lines of argument: first, that smoking is associated with numerous adverse health outcomes, ranging from cancer to cardiovascular disease; second, that smoking is a threat to others; and third, that the tobacco industry is unethical and targets vulnerable populations and knowingly promotes dangerous products for profit. These arguments were relayed through a variety of oppositional tactics, ranging from public service announcements to grassroots organizing to political lobbying.

At the forefront of opposition that hinged on smoking's health dangers were the major public health organizations: the American Cancer Society (ACS); the American Heart Association (AHA); and the National Tuberculosis Association, later known as the American Lung Association (ALA). These groups began to express concern about smoking in the late 1950s and early 1960s, playing a role in successfully petitioning President John F. Kennedy to form a research commission regarding the health harms of smoking, which led to the "seachange document," the 1964 surgeon general's report.[43] That same year, they joined other organizations to form the Interagency Council on Smoking and Health. They lacked a coherent set of strategies and objectives, however, as this was the first public fight for most of these organizations.[44]

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[38] Sweda, E. L. & Daynard, R. A. (1996). Tobacco industry tactics. *British Medical Bulletin*, *52*(1), 183–192.
[39] Mather, L. (1998). Theorizing about trial courts: Lawyers, policymaking, and tobacco litigation. *Law & Social Inquiry*, *23*(4), 897–940.
[40] Goodman, J. (2005). *Tobacco in history: The cultures of dependence*. Routledge.
[41] Sweda, E. L. & Daynard, R. A. (1996). Tobacco industry tactics. *British Medical Bulletin*, *52*(1), 183–192.
[42] Mowery, P. D., Babb, S., Hobart, R., Tworek, C., & MacNeil, A. (2012). The impact of state preemption of local smoking restrictions on public health protections and changes in social norms. *Journal of Environmental and Public Health*, 632629.
[43] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*.
[44] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.

Inexperienced, these organizations took some time to grow more outspoken and strategic. In 1982, they established the now-defunct Coalition on Smoking OR Health, a lobbying organization based in Washington, DC, headed by attorney Matthew Myers. The organization consisted of five million volunteers across the country, including physicians and civic leaders who were well positioned to influence legislators. As the leading anti-smoking organization at that time, the coalition pursued greater federal regulation of the tobacco industry, with policy initiatives such as increasing the excise tax, banning cigarette advertising, and strengthening the language of the health warnings on cigarette packages.

ACS, AHA, and ALA went on to advance several important initiatives in the 1990s, but arguably the most important was the 1995 founding of the nonprofit Campaign for Tobacco-Free Kids in partnership with the American Medical Association (AMA) and the Robert Wood Johnson Foundation. This Washington-based anti-tobacco organization, which Myers and Bill Novelli ran, was structured to lead at the federal level while helping fund and coordinate efforts at the state and local levels. ACS, AHA, and ALA were also involved in the Tobacco-Free Young America Project, whose goal was to create a tobacco-free generation by 2000.[45] The focus on youth smoking was a successful move on the part of anti-smoking advocates, as it enabled them to more effectively lobby for stricter regulations.

In addition to these large organizations, grassroots anti-smoking organizations sprung up in the late 1960s and early 1970s. Two groups to emerge early on in this wing of the movement were Action on Smoking and Health (ASH), formed by John F. Banzhaf in 1967,[46] and Group Against Smoking and Pollution (GASP), founded by Clara Gouin in 1971.[47] Banzhaf was particularly critical of the big health organizations, pushing them to take stronger stands and pursue more-aggressive tactics. In this way, he performed the important function of radicalizing the movement and pressing on the organizations with greater resources to do more.[48] While ASH focused on both opposition to smoking in general and protection of nonsmokers, GASP was specifically dedicated to protecting nonsmokers' rights, with chapters and similar organizations forming throughout the country. A primary aim of these groups was establishing nonsmoking sections in public places. One group spun from GASP was Californians for Nonsmokers' Rights. The organization, created in 1981 by university professor Stanton Glantz and community organizer Julia Carol, eventually broadened to Americans for Nonsmokers' Rights in 1986.[49]

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[45] Fielding, J. E., & Phenow, K. J. (1988). Health effects of involuntary smoking. *New England Journal of Medicine*, *319*(22), 1452–1460.
[46] Action on Smoking and Health (2017). *Action on Smoking and Health: 50 years turning the tide in the tobacco war, 1967–2017*. https://ash.org/50years/
[47] Hall, W. (2007). Cigarette century: The rise, fall and deadly persistence of the product that defined America. *Tobacco Control*, *16*(5), 360.
[48] Pertschuk, M. (1986). *Giant killers*. Norton.
[49] Americans for Nonsmokers' Rights (n.d.). *Pivotal events in smoke-free movement history*. Retrieved March 3, 2022, from https://nonsmokersrights.org/our-history-advocacy.

Opponents also attacked the industry itself. A strong example of this was the coalition Doctors Ought to Care (DOC), formed in 1977 by physician Alan Blum, which sought to inform and educate the public regarding the health dangers of cigarette smoking and discredit the tobacco industry.[50] The group brought attention to the tobacco companies' targeting of Black and working-class communities, accusing tobacco firms of buying off leaders with gifts to Black organizations and causes.[51] In addition, DOC lobbied the American Academy of Family Physicians to publish a list of magazines and newspapers that refused cigarette advertising for physicians to use in waiting rooms.[52]

Later, after passage of the *Master Settlement Agreement*, these groups took more of a backseat to government entities, but much of the progress made since then carries traces of their impact. The advocacy groups nurtured the potential for change as they shared their concerns with the public, first in terms of the health dangers to smokers and later in terms of the impact on nonsmokers and the nefarious nature of the tobacco industry. As their lines of argument multiplied and their tactics grew more varied and strategic, smoking became increasingly controversial. But contestation in the public realm was not enough to bring about true transformation; instead, systemic change was required. Over time, decision-makers in the political and legal realms shifted support from the tobacco industry and began to regulate it in several ways that ultimately impacted U.S. attitudes and practices regarding smoking.

Section 3: The battle arenas

Research

Although briefly targeted as a vice in the late 1800s by groups such as the Women's Christian Temperance Union,[53] smoking was largely uncontested and seen primarily as a form of personal pleasure and mild entertainment prior to the 1960s. In this light, those who found the practice an unwelcome nuisance were not in a position to challenge it in social spaces. In addition, tobacco itself was on the political agenda only in terms of its agricultural ties and trade potential. The transformation of the practice from uncontested to controversial began when a small group of researchers started asking questions about the health implications of smoking that led to a battle over the impacts of cigarettes and the intentions of the industry.

The tobacco industry

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[50] Sullum, J. (1999). *For your own good: The anti-smoking crusade and the tyranny of public health*. Simon and Schuster.
[51] Bayer, R. (1992). Free to be foolish: Politics and health promotion in the United States and Great Britain. *Science*, *255*(5043), 480–482.
[52] Blum, A. (1982). The family physician and health promotion: Do-gooding or really doing well?. *Canadian Family Physician*, *28*, 1613.
[53] Tate, C. (2000). *Cigarette wars: The triumph of "the little white slaver."* Oxford University Press.

The tobacco industry has long recognized the power of research to protect its interests and defend the sale of its products. In 1953, the majority of large tobacco companies banded together and announced the establishment of the Tobacco Industry Research Council, which included a scientific advisory board featuring professors and researchers in an effort to demonstrate objectivity and credibility. The council, later renamed Council for Tobacco Research, set the strategy for what would be decades of research by and for the industry.

Analysis of the tobacco companies' use of research reveals deployment of several key strategies to downplay the risks associated with their products: fund supportive research, hide industry involvement in research, publish supportive research, suppress detrimental research, criticize detrimental research, change scientific standards, share data or interpretation of risk through the press, and share data or interpretation of risk with policymakers.[54]

The industry had several obvious objectives in pursuing these strategies, which were revealed in internal papers that later came to light. Three of the main objectives were supporting future legal efforts, shielding from attacks in the public realm, and providing cover from opposition in the political realm.[55] In essence, the industry used research to sow doubt in the minds of the public and political decision-makers, enabling continued sale of its products despite mounting evidence of various negative health impacts for smokers and nonsmokers.[56]

While a drop in the bucket compared with investments in product promotion and political contributions, the industry invested heavily in research. Internal reports later turned over by the industry reveal that the Council for Tobacco Research had spent $282 million in research funds, largely through research grants to academic and independent researchers, by 1997.[57] In 1998, U.S. tobacco companies, as a result of the *Master Settlement Agreement*, disbanded the Council for Tobacco Research and a newer organization, the Center for Indoor Air Research.[58] But tobacco companies continue to fund research, much of which focuses on demonstrating the reduced harm of e-cigarettes and vaping.[59]

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[54] Bero, L. A. (2005). Tobacco industry manipulation of research. *Public Health Reports*, *120*(2), 200.
[55] A. Spears (1974). Memorandum (C Lorillard records, Master Settlement Agreement). Truth Tobacco Industry Documents. https://www.industrydocuments.ucsf.edu/tobacco/docs/#id=sxjf0110
[56] Roper Organization (1978). *A study of public attitudes towards cigarette smoking and the tobacco industry in 1978*. Roper Organization.
[57] Proctor, R. N. (2012). *Golden holocaust*. University of California Press.
[58] Tobacco Control Legal Consortium (2019). *The Master Settlement Agreement: An overview*. Tobacco Control Legal Consortium. https://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-msa-overview-2015.pdf
[59] Abate, C. (2019). Tobacco companies taking over the e-cigarette industry. *Healthline*. https://www.healthline.com/health-news/tobacco-companies-taking-over-e-cigarette#A-smoking-hot-market

Interestingly, some point out that the industry's use of research to protect its interests, which was closely tied to its refusal over decades of mounting consensus to concede any of the health dangers associated with its products, led to the industry's greatly diminished credibility in the eyes of the public and policymakers and ultimately, its dramatically weakened position.[60]

Anti-smoking advocates

Research was also the cornerstone of many of the anti-smoking movement's successes from 1964 to 2000. Advocates both supported research through funding and used research outcomes as evidence in their case against smoking.

Establishing health hazards

In the decade prior to 1964, the American Cancer Society pursued epidemiological studies to examine the connection between tobacco and cancer, finding that more smokers aged 50 to 69 had died of lung cancer and coronary diseases than nonsmokers of the same age, causally linking smoking to these health threats.[61] These findings coincided with those from ongoing research by British doctors Richard Doll and Bradford Hill that established the link between lung cancer and smoking[62] and earlier studies demonstrating the link between smoking and cardiovascular disease.[63]

Research in the 1960s, including a follow-up study by Doll and Hill, revealed not only a link between smoking and lung cancer but associations with other cancers and lung diseases, coronary diseases other than thrombosis, and ulcers.[64] These studies underlined the call for federal research by the large health organizations (ACS, AHA, and ALA). This research resulted in the influential 1964 surgeon general's report, which definitively established the link between cigarette smoking and lung cancer.

The 1964 report was the first of dozens of reports from that office on tobacco, each of which compiled the most relevant and recent research on the topic. Throughout the second half of the 1960s and all of the 1970s, the reports focused on the broad health consequences of smoking. In the 1980s, the reports became more specific, presenting research that ranged from smoking's addictive nature (1988) to its relation to specific ailments, such as cardiovascular disease (1983),

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[60] Sullum, J. (1999). *For your own good: The antismoking crusade and the tyranny of public health*. Simon and Schuster.
[61] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.
[62] Doll, R., & Hill, A. B. (1954). The mortality of doctors in relation to their smoking habits. *British Medical Journal*, *1*(4877), 1451.
[63] Doyle, J. T., Dawber, T. R., Kannel, W. B., Heslin, A. S., & Kahn, H. A. (1962). Cigarette smoking and coronary heart disease: Combined experience of the Albany and Framingham studies. *New England Journal of Medicine*, *266*(16), 796–801.
[64] Doll, R., & Hill, A. B. (1964). Mortality in relation to smoking: Ten years' observations of British doctors. *British Medical Journal*, *1*(5395), 1399.

to its impact on particular populations, such as women (1980) and racial and ethnic minorities (1998).

Early advocacy efforts by a variety of groups incorporated findings from these reports and other academic sources into public awareness campaigns targeting smokers. These groups also used research as the basis for their arguments for policy changes, such as the 1965 Federal Cigarette Labeling and Advertising Act and the 1970 U.S. Public Health Cigarette Smoking Act, which banned cigarette advertisements on television and radio.[65] Later studies on youth and the addictive nature of smoking provided the foundation for even stricter regulation.[66]

Environmental tobacco smoke (secondhand smoke)
As concerns over the ill effects of smoking broadened to include passive smokers, additional research was needed to more definitively demonstrate the link. In 1986, two major reports were issued on the health effects of environmental tobacco smoke, or secondhand smoke, one by the National Research Council and the other by the Surgeon General's Office titled *The Health Consequences of Involuntary Smoking*. The National Research Council reported that more than 3,800 compounds had been identified in tobacco smoke, many that are known carcinogens, and detailed the dangers of side-stream smoke, which had a higher pH, smaller particles, and a greater concentration of carbon monoxide. The reports' closing assertions were that chronic exposure to passive smoke could cause lung cancer in healthy adults, harm children's health, worsen acute symptoms of respiratory conditions, and lead to cardiovascular disease. An estimated 2,500 to 5,000 premature deaths in 1985 could be attributed to environmental tobacco smoke.[67]

In 1992, the Environmental Protection Agency report *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders* concluded that environmental tobacco smoke was a human-lung carcinogen responsible for 3,000 lung cancer deaths in the United States annually. In 1993, the first definitive report was published that established the presence of lung carcinogen metabolites in the urine of nonsmokers who had been exposed to secondhand smoke, including infants, elementary school children, women living with smokers, casino patrons, and restaurant and bar workers. Largely as a result of this mounting evidence, the EPA designated environmental tobacco smoke a Group A carcinogen in 1993.

Advocates used the evidence gathered by researchers to broaden their arguments against smoking. Specifically, these research findings better positioned them to contend that smoking

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[65] Lippman, S. M., & Hawk, E. T. (2009). Cancer prevention: From 1727 to milestones of the past 100 years. *Cancer Research*, 69(13), 5269–5284.
[66] Wallace, R. B., Stratton, K., & Bonnie, R. J. (Eds.) (2007). *Ending the tobacco problem: A blueprint for the nation*. National Academies Press.
[67] Eriksen, M. P., LeMaistre, C. A., & Newell, G. R. (1988). Health hazards of passive smoking. *Annual Review of Public Health*, *9*(1), 47–70.

was not just a matter of personal choice, definitively moving it to the public sphere and strengthening their case for regulation. At the state and local levels, movements to ban smoking in offices and public places accelerated. Research was critical to the success of the policies promoted by advocacy groups such as GASP and ASH.[68] [69]

Tobacco industry investigations

In 1994, the well-known anti-smoking advocate Stanton Glantz received an unsolicited box of several thousand pages of internal documents obtained from Brown & Williamson and British American Tobacco that provided an inside view of the knowledge and actions of the tobacco industry. These documents made clear that the tobacco companies had long been aware that nicotine was addictive and that smoking led to a variety of diseases. Also evident was the tobacco industry's priority—protecting the public image of smoking, not the public's health.[70] Despite Brown & Williamson's efforts to stop him, Glantz made the documents public at the University of California San Francisco Library, and in July 1995, the *Journal of the American Medical Association* published a series of articles documenting an analysis of the findings.[71] The behind-the-scenes access these documents provided helped pave the way for further investigations that would forever change the public's perception of the tobacco industry.

In 1998, the tobacco trial in Minnesota (*State of Minnesota & Blue Cross and Blue Shield of Minnesota v. Philip Morris Inc.*) expanded access to internal tobacco industry documents showing how tobacco companies strategically encouraged young people to smoke. They not only studied the smoking habits of underage smokers but conducted an analysis to determine how to most effectively target youth. Even as social pressures escalated in the 1980s, the documents revealed that the industry had increased spending on advertising and promotional activities aimed at youth and continued to use advertising campaigns with figures such as the Marlboro Man and Joe Camel. These documents led to a settlement including large monetary awards and public health relief.[72]

The settlement obligated the tobacco-industry defendants to allow public access to the document repository for 10 years. In 1998, President Bill Clinton issued an executive memorandum asking the U.S. Department of Health and Human Services to make the documents more accessible. These efforts, along with the National Cancer Institute's partnership, secured 17

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[68] Hyland, A., Barnoya, J., & Corral, J. E. (2012). Smoke-free air policies: Past, present and future. *Tobacco Control*, *21*(2), 154–161.
[69] Shor, R. E., Shor, M. B., & Williams, D. C. (1980). The distinction between the antismoking and nonsmokers' rights movements. *The Journal of Psychology*, *106*(1), 129–146.
[70] Glantz, S. A., Slade, J., Bero, L. A., Hanauer, P., & Barnes, D. E. (Eds.) (1998). *The cigarette papers*. University of California Press.
[71] Glantz, S. A., Barnes, D. E., Bero, L., Hanauer, P., & Slade, J. (1995). Looking through a keyhole at the tobacco industry: The Brown and Williamson documents. *JAMA*, *274*(3), 219–224.
[72] Perry, C. L. (1999). The tobacco industry and underage youth smoking: Tobacco industry documents from the Minnesota litigation. *Archives of Pediatrics & Adolescent Medicine*, *153*(9), 935–941.

peer-reviewed research grants with a total expenditure of $23.2 million. Several public health reports from the WHO and civil society organizations influenced public opinion on the tobacco industry's behavior and smoking as an acceptable practice, which helped further health policy goals. Tobacco industry documents and published reports on the health effects of smoking also helped hold tobacco companies accountable for their role in the illicit global tobacco trade and supplied information that helped shape counter-strategies against this trade.[73]

The research investigating the tobacco industry itself added another line of attack for anti-smoking advocates and restructured the narrative by making the industry a clear villain and smokers, particularly young smokers, the victims. It also made the need for regulation seem more dire, as advocates made clear that the industry would not refrain from doing harm for profit if left to its own devices. As the number of stakeholders grew to include parents and youth-focused organizations, pressure mounted against the industry. This further darkened the public's perception of tobacco companies and problematized smoking.

Controversy and transformation

From 1964 to 2000, research played a crucial role in creating controversy around what had been a largely uncontested personal practice. It did this by broadening the lens on smoking, first by providing evidence of the long-term health dangers, second by demonstrating impacts on passive smokers, and finally by revealing disturbing truths about the industry itself. Advocates used research findings to disrupt the perception of smoking as normative and effectively reposition the practice as an issue of public concern. Now part of the public conversation, smoking was a topic for debate, and both advocates and the tobacco industry worked to frame it to further their opposing interests.

Parallels and potential pathways

- As part of its strategy, the tobacco industry created research bodies and funded research to defend its interests. Animal agribusiness has used the same approach but to a much greater degree and with a broader scope. An initial move by animal advocates could be to map this web of influence, which could provide a richer view of how the industry operates and may reveal potential areas of intervention.
- The lines of research that provided evidence of smoking's many dangers involved a large number of researchers from different fields and institutions. Early research was conducted in great part by academics and at times funded by organizations such as the American Cancer Society. By proactively working with academics across a variety of disciplines, animal advocates may gain from both their credibility and their spheres of influence.

[73] Hurt, R. D., Ebbert, J. O., Muggli, M. E., Lockhart, N. J., & Robertson, C. R. (2009). Open doorway to truth: Legacy of the Minnesota tobacco trial. *Mayo Clinic Proceedings*, *84*(5), 446–456.

- Research in the fight over smoking broadened over time to include a much wider range of concerns—additional firsthand health impacts and additional threats from secondhand smoke, as well as smoking's impacts on specific populations, such as women and minorities. Surgeon general reports, for example, painted a starker picture of the problems connected to the tobacco industry. Animal advocates have an opportunity to encourage a similar widening of scope, which has already begun through support and promotion of research tying animal agribusiness to threats such as pandemics, climate change, and antibiotic resistance.
- Support from key voices within the research community and specifically the medical establishment (including publications and associations), while slow and hard-won in some quarters, mounted over time and became instrumental in making the case against smoking. Animal advocates may do well to focus efforts on shifting opinion in key areas, such as animal welfare science, that could impact not only the field itself but more-public forums, such as legislative hearings and news reports.
- Some of the most important opportunities for anti-smoking advocates came from gaining access to internal industry documents, which greatly diminished the credibility of the industry by revealing its unethical target marketing and ongoing deception. Animal advocates have garnered attention and outrage through undercover investigations, particularly those that expose animal cruelty, but they may also benefit from research into available industry documents that reveal the animal agriculture industry's disregard for people's health, animals, and the environment.[74]

Public engagement

While news outlets certainly gave prominence to the 1964 surgeon general's report, Americans still had much to learn about the dangers of smoking in the early 1960s. Advocates recognized that they would need to increase public education and awareness on the topic to effectively influence behavior. In part, they used research as the basis of their public engagement—essentially making the case that the issue mattered and emphasizing the smokers themselves. They were met with predictable opposition from the industry, which benefited from a lack of scrutiny and hoped to defuse the emerging controversy with a combination of offensive and defensive public engagement tactics. As advocates widened the set of negative issues around smoking, their public outreach efforts increased and their messages multiplied. Over the ensuing decades, the American public would be asked not only to stop smoking but to see others' smoking as a public health threat.

The tobacco industry

[74] Brownell, K. D., & Warner, K. E. (2009). The perils of ignoring history: Big Tobacco played dirty and millions died. How similar is Big Food?. *The Milbank Quarterly*, *87*(1), 259–294.

Like almost all businesses in the United States, tobacco companies largely relied on advertising to promote their products to new users and to encourage current users to switch brands. These companies used a broad range of promotional tactics and channels, including broadcast television and radio, newspapers and magazines, film, out-of-home advertising, athletic and cultural event sponsorships, and point-of-sale advertisements. Even as tobacco companies encountered more restrictions in terms of where and how they could market their products, the industry continued to target new smokers in the venues left available to them.[75]

Over the years, the Federal Trade Commission (FTC) tracked the promotional dollars spent by the industry, finding that advertising and promotional spending had increased markedly from 1970 ($315 million—more than $2.2 billion in 2021's dollars) to 2000 ($9.6 billion—$15.5 billion in 2021's dollars).[76] After the 1971 federal ban on television and radio cigarette advertising, the industry shifted its dollars to outdoor advertising, sponsorships, magazine and newspaper ads, and other types of promotion ranging from point-of-sale advertising to promotional items, such as hats and T-shirts.[77] Many see these promotional efforts as positioning products to be accessible and attractive, encouraging product purchases and building a favorable image.

Research on industry materials suggests that the companies consistently used a number of message frames from 1964 to 2000, shifting as needed in response to regulations or, at times, public pressure. Earlier claims of health, often with doctors as spokespeople, had already begun to fade out by 1964, but many other themes remained, including smoking as relaxing, a pathway to popularity, and—above all—normal.[78] Other research has also demonstrated themes of masculinity and sexuality.[79]

Message frames were often developed in connection with particular target audiences, one of the most controversial aspects of the industry's promotional activities. The more obvious brand campaigns for specific audience segments include the Virginia Slims "You've come a long way, baby," campaign targeting women by associating smoking with female independence;[80] RJ

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[75] Wakefield, M. A., Terry-McElrath, Y. M., Chaloupka, F. J., Barker, D. C., Slater, S. J., Clark, P. I., & Giovino, G. A. (2002). Tobacco industry marketing at point of purchase after the 1998 MSA billboard advertising ban. American Journal of Public Health, 92(6), 937–940.
[76] Federal Trade Commission (2020). *Federal Trade Commission cigarette report for 2018*.
[77] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*.
[78] Institute of Medicine (1994). *Growing up tobacco free: Preventing nicotine addiction in children and youths*. The National Academies Press.
[79] Starr, M. E. (1984). The Marlboro Man: Cigarette smoking and masculinity in America. *Journal of Popular Culture*, *17*(4), 45.
[80] Toll, B. A., & Ling, P. M. (2005). The Virginia Slims identity crisis: An inside look at tobacco industry marketing to women. *Tobacco control*, *14*(3), 172–180.

Reynolds's focus on youth with the Joe Camel ads;[81] and targeting Black people through the marketing of menthol cigarettes.[82]

In addition to promoting its products, the industry used paid media to defend itself and cast doubt on the arguments and activities of the opposition. As early as 1953, the leading tobacco manufacturers announced their establishment of the Tobacco Industry Research Committee in a full-page advert in 448 newspapers.[83] Efforts in this vein grew throughout the 1970s and 80s as part of the industry's strategy to push back against the nonsmokers' rights movement. Citing freedom of choice, but with an eye on the bottom line, the Tobacco Institute, an industry trade group, paid for ads such as "Freedom of choice is the best choice" and created materials such as "Answers to the Most Asked Questions about Cigarettes"[84] in an effort to portray smoking and the industry in a more favorable light.

Another engagement tactic was using charitable donations to repair the industry's social image, gain public trust, attract new consumers, and build loyalty with groups at greater risk of the harms of smoking. For example, tobacco companies contributed to charitable organizations led by or serving Black communities (e.g., civil rights organizations and educational institutions)[85] and womens organizations (e.g., domestic abuse shelters).[86] Through these donations tobacco companies positioned themselves to receive positive mention from the charities and potentially silence criticism.

Like all industries, the tobacco industry understood the value of advertising and broader promotional tactics to the growth of its business and fought any new restrictions on where and how it could advertise. Eventually, however, more restrictions were added as part of the 1998 *Master Settlement Agreement*, including bans on ads and other promotions focused on people under 18, most out-of-home advertising, paid product placement, and event sponsorship.[87] In

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[81] DiFranza, J. R., & Aisquith, B. F. (1995). Does the Joe Camel campaign preferentially reach 18 to 24 year old adults?. *Tobacco Control*, *4*(4), 367.
[82] Bach, L. (2017). Tobacco company marketing to African Americans. *Campaign for Tobacco-Free Kids*.
[83] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.
[84] The Tobacco Institute (n.d.). *Answers to the most asked questions about cigarettes*. https://www.industrydocuments.ucsf.edu/tobacco/docs/#id=lhnw0072
[85] Public Health Law Center (2021). *The tobacco industry and the black community: the targeting of African Americans*. https://www.publichealthlawcenter.org/sites/default/files/resources/Tobacco-Industry-Targeting.pdf
[86] Brownell, K. D., & Warner, K. E. (2009). The perils of ignoring history: Big Tobacco played dirty and millions died. How similar is Big Food?. *The Milbank Quarterly*, *87*(1), 259–294. https://doi.org/10.1111/j.1468-0009.2009.00555.x
[87] Office of Attorney General Josh Shapiro (n.d.). *Summary of key points in the master settlement agreement*. Retrieved March 3, 2022, from https://www.attorneygeneral.gov/resources/tobacco-enforcement/summary-of-key-points-in-the-master-settlement-agreement/

response, the industry eventually shifted most of its promotional dollars in the United States to point-of-sale advertising.[88]

Anti-smoking advocates

From 1964 to 2000, advocates used a variety of tactics to vie for the public's attention in their attempt to transform attitudes and behaviors around smoking. While they were certain to be outspent in advertising dollars, they pursued various public awareness campaigns, events, and protests to deliver their counter-messages to the American public. They also fought for restrictions on where and how the tobacco industry could market cigarettes.

Ads and campaigns

From the beginning, the anti-smoking movement saw value in using the media to raise public awareness and educate the public, taking to the airways to change public opinion. Both of the movement's main objectives were clear with defined metrics of success—getting smokers to stop smoking and preventing nonsmokers from starting—but imperative to achieving these objectives was its less articulable, less measurable broader aim: creating controversy around smoking to move it from the margins of society and instill distrust and dislike for tobacco companies.

Before cigarette ads were banned from the national airwaves, and as a result of John Banzhaf's successful use of the Fairness Doctrine to secure one anti-smoking ad for every three tobacco ads, the nascent anti-smoking movement received the equivalent of $75 million in free airtime.[89] During these years, the large health organizations, particularly the American Cancer Society, ran a series of ads, primarily on television, to warn of the health dangers associated with smoking. With the pro bono assistance of creative agencies, they generated compelling ads. The first of two provocative examples featured children playing dress-up with the message that children like to imitate their parents and the question: "Do you smoke?"[90] The second presented a hard-hitting message from well-known actor William Talman, who was dying of lung cancer when the spot was filmed, that urged viewers not to smoke and end up like him.[91]

Even with the end of the Fairness Doctrine in 1987, the big health organizations continued to air PSAs on television and radio. In the 1990s, for example, the American Lung Association ran ad campaigns aimed at youth: "Be smart—Don't start," which depicted parents clearly suffering

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[88] Lavack, A. M., & Toth, G. (2006). Tobacco point-of-purchase promotion: Examining tobacco industry documents. *Tobacco control*, *15*(5), 377–384.
[89] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.
[90] Schwartz, T. (2016). *1963 anti-smoking ad by Tony Schwartz* [Video]. YouTube. https://www.youtube.com/watch?v=UtbZ9A9YK5I
[91] Sullum, J. (1999). *For your own good: The anti-smoking crusade and the tyranny of public health*. Simon and Schuster.

health problems connected to smoking,[92] and "Nobody likes to kiss an ashtray,"[93] which portrayed smoking and smokers as unattractive.

An important element of these ads was their sophistication and emotionally compelling nature.[94] They used scare tactics to draw attention to the health dangers, as well as reframing to make smokers seem unattractive and the industry evil. Like the tobacco ads, they aimed to be memorable but served as a counter-message to entrenched attitudes and perceptions. One of their cleverest tactics was using the same narratives as the tobacco industry but turning them on their heads so they became tobacco-control messages. For example, early advertisements by the American Cancer Society used the iconic aspects of Marlboro ads—cowboys and a gunfight at a saloon—but had the smoker fall victim to a coughing fit so the nonsmoker could easily become the victor.[95]

Much of this creativity was replicated in the ad campaigns run by state health departments in the 1990s. For instance, California's department of health services used $28 million of the funds collected by the tobacco tax increase from Prop 99 to run a 14-month ad campaign. The campaign was one of the first widespread state efforts and involved more than 200 radio and television outlets, as well as 130 newspapers and 775 billboards.[96] The basis of several ads, particularly those aimed at youth, showcased the industry's manipulation of consumers and its greed.[97]

Events

The health organizations also brought awareness to the dangers of smoking and the importance of quitting by sponsoring quit hotlines, support groups, and community events. One of the most successful of these was the Great American Smokeout, run by the American Cancer Society. Building on a local event in Randolph, Massachusetts, in 1970 ACS encouraged people to stop smoking for one day and eventually framed it as the first day in a smoker's journey to becoming a nonsmoker. As word spread of the event, more people participated, with nearly 1 million

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[92] VideoClassics (2021). *1995 anti-smoking PSA – Lung Association – TV commercial* [Video]. YouTube. https://www.youtube.com/watch?v=rxuYvqGxSi0
[93] Remesar, L. (2007). *Nobody likes to kiss an ashtray* [Video]. YouTube. https://www.youtube.com/watch?v=HvkooqgG3ag
[94] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage
[95] Sullum, J. (1999). *For your own good: The anti-smoking crusade and the tyranny of public health*. Simon and Schuster.
[96] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage
[97] Xennial Hipster Bern (2016). *KCRA 1990 – anti-smoking campaign* [Video]. YouTube. https://www.youtube.com/watch?v=K7rKdUpphRk

Californians pledging to quit smoking for a day in 1976.[98] Events such as these were likely to gain popularity because of their public nature and built-in accountability.

Organizing

Grassroots groups, often tied to the nonsmokers' rights movement, organized people at the local and state levels. This activism deepened the public nature of the issues and, in so doing, created more controversy. It also broadened the points of debate. Stanton Glantz of Americans for Nonsmokers' Rights told advocates: "Activists should state that they are not 'antismoker' but rather environmentalists concerned with clean air for everyone. The issue should be framed in the rhetoric of the environment, toxic chemicals, and public health rather than the rhetoric of saving smokers from themselves or the cigarette companies."[99]

While advocates directed much of their attention to specific political fights, they also at times pursued public awareness through spectacles and protests. For example, in order to effectively shift perceptions around smoking from a personal choice to a public health hazard, the National Interagency Council on Smoking and Health created and promoted the *Non-Smoker's Bill of Rights* and shared it with the 34 member agencies.[100] The document demanded not only the right to clean air but the right to speak out against smokers who might be jeopardizing the health of others through secondhand smoke.

One of the most outspoken critics of the tobacco industry, Doctors Ought to Care founder Alan Blum, devoted some of his organization's resources to purchasing out-of-home advertising, such as billboards, and equipping supporters with signs that used satire to vilify the tobacco industry. He also enjoyed creating spectacles that drew attention to his anti-industry messages. For example, he coordinated a Barfboro Barfing team van that followed the Marlboro Adventure team van around the country and passed out its own promotional products, such as T-shirts and barf bags, that spoofed the cigarette brands. In another instance, when RJ Reynolds planned to test market Dakota cigarettes in Houston, Blum created an ad that showed the new brand accompanied by the slogan "Dakota—Da Cough Da Cancer Da Coffin."[101]

Controversy and transformation

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[98] American Cancer Society (2018). *History of the Great American Smokeout event*. https://www.cancer.org/healthy/stay-away-from-tobacco/great-american-smokeout/history-of-the-great-american-smokeout.html

[99] Bayer, R., & Colgrove, J. (2002). Science, politics, and ideology in the campaign against environmental tobacco smoke. *American Journal of Public Health*, *92*(6), 949–954.

[100] Office of the Surgeon General (2000). A historical review of efforts to reduce smoking in the United States. In *2000 Surgeon General's report: Complete report*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/chapter2.pdf

[101] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.

A crucial shift occurred between 1964 and 2000 in the public's perception of smoking. Where the media had at one time carried only the industry's promotional messages, they came to distribute powerful counter-messaging as well. In addition, because of restrictions on where tobacco messaging could be placed, the voice of the anti-smoking advocates would eventually rise above the industry's in critical mediums, such as television and radio. At the same time, advocates became more sophisticated in their messaging and campaign design. One of their consistent approaches was to paint the industry in a negative light, often using insider documents to showcase the industry's greed and disregard for human health. In a different vein, as concern over secondhand smoke grew, smoking lost ground in other ways. Where almost all social situations and public places had been open to smokers in the 1960s, restrictions on where smokers were allowed to light up in the 80s and 90s diminished the public nature of the practice and challenged its normalcy. Such changes in social cues may very well have contributed to the public's changing perceptions and set the stage for greater regulation of what was now widely seen as a problematic substance.

Parallels and potential pathways

- In the face of escalating opposition, the tobacco industry played offense by highlighting the cherished American value of consumer choice. But advocates were able to advance their arguments even on this difficult ground by shifting the conversation to youth and the victims of secondhand smoke, both of which they plausibly argued were not truly positioned to make a choice. Opponents of animal agribusiness could explore the possibility of making similar claims, pointing to youth-focused advertisements and potentially highlighting the absence of choice for animals in the system.
- While there is little indication that the broad range of oppositional forces strategically coordinated efforts, a wide variety of groups attacked the tobacco industry on a multitude of fronts over a sustained period, almost certainly making it increasingly difficult for the industry to withstand their assault. Those seeking to transform the food system may benefit from being even more intentional by building coalitions and creating collaborative tactics and strategies across groups and issue areas.
- Smoking opponents successfully drew the public's attention to the evils of the tobacco industry while backdropping the farmers producing the tobacco. This was an insightful move, given that Americans generally dislike corporate power but have an affinity for farmers. Animal advocates who have long wrestled with this may do well to more intentionally highlight companies such as JBS and their leaders, which most Americans are largely unaware of, so that over time animal products become less associated with farmers and more associated with major corporate power.
- Successful campaigns and events by anti-smoking groups often demonstrated a high level of creativity and used sophisticated techniques, such as reframing to get the public's attention and change their perspectives. While animal advocacy groups appeared to

undertake more of these activities in the 1980s and 90s, less attention has been placed on organizing and public awareness tactics more recently. The movement could more deeply explore the impact of tactics such as spoof ads, public spectacles, and recurring events to gain attention and garner support, which could be leveraged to demand institutional changes.

- While not a center point for tobacco opponents, public events such as the Great American Smokeout provided the opportunity not only for smokers to quit but for the issue to draw media attention and municipalities to get involved, demonstrating broader support for the opposition. While the Great American Meatout received some attention for several years after its inception, interest has largely fallen away. Animal advocates may do well to offer greater support to programs such as Veganuary and Meatless Monday, which operate in very much the same manner and could offer similar benefits.

Government and public policy work

A small group of policymakers played an instrumental role in generating controversy around smoking in the first few years after the surgeon general's initial report. However, their numbers began to grow as advocates effectively engaged the public and sentiments changed. As public concern increased, so did the contexts in which people in political power added smoking to their formal agendas. Decision-makers began debating smoking legislation at every level of government and in multiple areas of concern, such as public health, the environment, and workplace safety. The tobacco industry fought back with preemptive legislation and attempts to create new controversies to sway the public, such as raising concern that anti-smoking legislation threatened cherished freedoms. By 2000, the interaction between public support and legislative action would become a valuable tool in the societal transformation of smoking.

The tobacco industry

For decades, the tobacco industry created favorable conditions for itself in the United States by influencing policies at all levels of government. Its main aims were to maintain tobacco crop subsidies; prevent tax increases; and defeat any legislation that restricted where people could smoke, limited its promotional tactics, or increased the severity of health warnings on packaging. Tobacco companies' deep pockets and ties to agriculture provided mostly firm political footing until the early 1970s. After that, their power hold decreased, and damaging legislation began to pass at the local, state, and federal levels. By the 1990s, the industry was almost exclusively playing defense, although at times effectively. It wielded its political power most often from behind the scenes, through lobbying political decision-makers and funding front groups.

Lobbying

Much of the industry's political influence from 1964 to 2000 came from its ability to make significant contributions to political campaigns that later granted them access to politicians. The industry used direct lobbying efforts to build long-term relationships and establish power within

the political system.[102] Industry lobbyists developed effective strategies across the U.S. governmental system, beginning with a strong focus on tobacco-growing states in the South that shared their interest in preserving the industry and later targeting a wide variety of politicians who might oppose the mounting unfavorable legislation faced by the industry. In general, the industry focused much of its efforts and concentrated most of its financial resources at the federal level because laws enacted by the highest governmental authority could preempt, or displace, laws enacted by lower governmental authorities, such as state and municipal legislatures.[103]

Despite growing awareness and concern over the health dangers of smoking, the industry had several key victories at the federal level in the 1960s and 70s. For example, after the 1964 surgeon general's report, the industry defeated legislation to give the FDA authority over tobacco (and kept that regulation at bay until 2009). The industry also watered down attempts by the FTC to add health warnings to cigarette packaging and promotion in 1965, preventing hard-hitting changes until 1984, when warnings were finally strengthened. Tobacco was also excluded from two major consumer protection acts in the 1970s.[104]

In the 1990s, political spending increased in response to threatening regulations, such as smoking bans in a variety of public places and additional advertising restrictions. In 1998, the industry spent almost $73 million and paid 240 lobbyists (60% of whom were former government employees)[105] to defend its interests. That year, the industry was particularly invested in defeating legislation introduced by Sen. John McCain, who was pursuing a large tax increase and several additional restrictions aimed at preventing youth smoking. The industry spent $43 million on the effort to kill the legislation and succeeded.[106] [107]

Research also shows that political activities at the state level by the industry in the 1990s produced some favorable outcomes, particularly in terms of passing state legislation that preempted tighter restrictions at the local level. A comprehensive study of outcomes of political efforts by the tobacco industry in the 1990s demonstrates that toward the end of the decade, 17

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[102] Tobacco Tactics (2020). *Lobbying decision makers.* https://tobaccotactics.org/wiki/lobbying-decision-makers/
[103] Pertschuk, M., Pomeranz, J. L., Aoki, J. R., Larkin, M. A., & Paloma, M. (2013). Assessing the impact of federal and state preemption in public health: A framework for decision makers. *Journal of Public Health Management and Practice*, *19*(3), 213–219.
[104] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.
[105] Open Secrets (2008). *Industry profile: tobacco*. (2008). https://www.opensecrets.org/federal-lobbying/industries/summary?cycle=1998&id=a02
[106] Saloojee, Y., & Dagli, E. (2000). Tobacco industry tactics for resisting public policy on health. *Bulletin of the World Health Organization*, *78*, 902–910. https://www.who.int/bulletin/archives/78(7)902.pdf
[107] Saundra T. & Dewar, H. (1998, June 18). Senate GOP kills McCain tobacco bill. *Washington Post.* https://www.washingtonpost.com/archive/politics/1998/06/18/senate-gop-kills-mccain-tobacco-bill/084c2008-b308-4321-8574-205d37bacc22/

states preempted local clean-indoor-air ordinances, and 22 states preempted local laws regarding youth and tobacco with weaker legislation.[108] Here, lobbying dollars were also a likely factor in the industry's success in several states.

Creation of smokers' rights groups

As the industry lost credibility and some access to politicians through traditional political channels in the 1990s, tobacco companies invested in a different strategy: creation of what on the surface appeared to be grassroots groups but were effectively industry front groups. This was both a way to take the focus off the industry itself and to counter the growing success of nonsmokers' rights groups.

In 1993, Phillip Morris founded and funded the National Smokers Alliance (NSM), which was active until 1999. Its purpose was to put citizens at the forefront of efforts to defeat anti-smoking legislation and pursue cases against those attempting to regulate smoking, particularly concerning restrictions on where smoking was allowed.[109] The NSM employed a mix of lobbying and public relations tactics designed to create a sense of everyday smokers defending their rights.[110] In 1994, R.J. Reynolds took a slightly different approach, creating Get Government Off Our Back, which portrayed itself as a bit more broadly opposed to what would later be called the "nanny state."[111] This coalition also mixed traditional lobbying activities with public relations events, such as Regulatory Revolt Month.[112] In terms of tobacco regulation specifically, it focused its attention on opposing new restrictions on workplace smoking areas, such as those proposed by the FDA and OSHA.[113]

Anti-smoking advocates

Even though the 1964 surgeon general's report was a definitive turning point in the national conversation about smoking, it was not a true threat to the industry's political power because the anti-smoking movement was yet to be formed, and therefore no political strategy had been crafted. As the early opposition from the nonprofit sector was getting into position, champions within federal agencies were instrumental in trying to rein in the tobacco industry. Later,

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[108] Givel, M. S., & Glantz, S. A. (2001). Tobacco lobby political influence on U.S. state legislatures in the 1990s. *Tobacco Control*, *10*(2), 124–134. https://tobaccocontrol.bmj.com/content/10/2/124

[109] Givel, M. S., & Glantz, S. A. (2001). Tobacco lobby political influence on U.S. state legislatures in the 1990s. *Tobacco Control*, *10*(2), 124–134. https://tobaccocontrol.bmj.com/content/10/2/124

[110] Givel, M. (2007). Consent and counter-mobilization: The case of the National Smokers Alliance. *Journal of Health Communication*, *12*(4), 339–357.

[111] Apollonio, D. E., & Bero, L. A. (2007). The creation of industry front groups: The tobacco industry and "get government off our back." *American Journal of Public Health*, *97*(3), 419–427.

[112] Science Corruption (1995). *Get government off our backs*. https://sciencecorruption.com/ATN171/00827.html

[113] Apollonio, D. E., & Bero, L. A. (2007). The creation of industry front groups: The tobacco industry and "get government off our back." *American Journal of Public Health*, *97*(3), 419–427. https://doi.org/10.2105/AJPH.2005.081117

advocates would join forces with these political actors in pursuit of anti-smoking legislation at the federal level.

From 1964 to 2000, advocates went after the tobacco industry in the political sphere on several fronts. Some groups originally focused on the health dangers of smoking as they had with the American people, eventually refining their approach to include the addictive nature of smoking and its impact on youth. Others pursued legislation regarding the nuisance and danger associated with secondhand smoke.[114] These advocates also probably benefited from the increasingly negative image of the tobacco industry as they advanced their political agenda.

While not wholly uniform, different types of groups typically focused on different levels of government, with the larger public health organizations active at the federal level; state offices and nonsmokers' rights groups working at the state level; and more-grassroots organizations, particularly ASH and GASP, focusing on the local level.

One of the most critical shifts in the political conversation at all levels was that as public concern grew over smoking, advocates pressed for both an increase in the number of bills concerning smoking and a broadening of the types of committees and subcommittees that bills were introduced to and debated in. Importantly, research shows that these newer committees, such as those focused on health and the environment, were much more hostile to the industry than those that had traditionally focused on tobacco. The tobacco industry lost power within this wider landscape, as more public hearings generally resulted in unfavorable publicity that, in turn, caused more public demands that tobacco, especially smoking, be addressed by political decision-makers.[115]

Federal level

From 1964 to 2000, the political landscape at the federal level changed dramatically for anti-smoking advocates. What began as a hostile context in which tobacco companies consistently outspent and outmaneuvered them became, over time, one in which several systemic changes regarding the product and the practice took place. Two pieces of legislation advocates played a significant role in were the 1984 Comprehensive Smoking Education Act, which strengthened the health warning labels on cigarette packs as well as advertisements, and the 1987 amendment to the Federal Aviation Act that banned smoking on domestic flights of two hours or less, a restriction that was later expanded.

Warning labels on cigarette packaging

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[114] Kluger, R. (1997). *Ashes to ashes: America's hundred-year cigarette war, the public health, and the unabashed triumph of Philip Morris*. Vintage.
[115] Baumgartner, F. R., & Jones, B. D. (2010). *Agendas and instability in American politics*. University of Chicago Press.

The FTC was the first government agency that attempted to regulate the industry by requiring health warning labels on cigarette packages and advertisements. The Federal Cigarette Labeling and Advertising Act, passed in 1965, required warning labels on the product, but it was ultimately seen as a victory for the tobacco industry, which had successfully lobbied to have the language severely weakened. While the Public Health Cigarette Smoking Act of 1970 required a more definitive warning, it was still watered down.

It wasn't until 1984 that advocates were more strategic and able to prevail over the tobacco lobby, obtaining four strong warnings for the first time. All the warnings came from the surgeon general: "Smoking causes lung cancer, heart disease, emphysema and may complicate pregnancy; quitting smoking now greatly reduces serious risk to your health; smoking by pregnant women may result in fetal injury, premature birth and low birth weight; cigarette smoke contains carbon monoxide." To secure this victory, anti-smoking groups worked with both the FTC and key legislators to drive passage of a new bill. They had strong allies in Michael Pertschuk, the commissioner who had a history of pursuing tobacco regulations, and U.S. representatives Henry Waxman and Al Gore, but advocates also played a substantial role in strategically cultivating these relationships and advancing their interests through the efforts of these political figures.

The American Cancer Society, the American Heart Association, and the American Lung Association, which had banded together as the Coalition for Smoking OR Health, hired Matthew Myers, formerly of the FTC, to lead their lobbying efforts. These organizations also brought many resources to the table, including credibility, legions of volunteers, and relationships with a range of influencers. Examples of their impact include providing health experts to testify on the negative impacts of tobacco use; deploying celebrities like Captain Kangaroo, who focused on the danger to America's youth; and having supporters from specific states target their representatives, such as Mormons from Utah focusing on Orrin Hatch, and others from tobacco states call their legislators to demand their support for the bill.[116] Advocates were a vital part of this process.

Smoking on domestic flights

While the large health organizations focused their efforts on the harms of tobacco for smokers, other groups in the 1980s focused on restricting smoking out of concern for the dangers of secondhand smoke. At the federal level, their initial efforts were to secure smoking restrictions on transportation, particularly airlines. While John Banzhaf of ASH had been unsuccessful in pursuing legislation to create nonsmoking sections since the mid-'60s, the issue began to gain traction, especially when well-known consumer-protection advocate Ralph Nader took up the fight. In 1973, the Civil Aeronautics Board began requiring that all U.S. airlines create separate sections for smoking and nonsmoking.[117]

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[116] Pertschuk, M. (1986). *Giant killers*. Norton.

[117] Lopipero, P., Apollonio, D. E., & Bero, L. A. (2007). Interest groups, lobbying, and deception: The tobacco industry and airline smoking. *Political Science Quarterly*, *122*(4), 635–656.

In the decade and a half that followed, advocates broadened their demands, seeking a ban on smoking on all domestic flights. Americans for Nonsmokers' Rights became more involved, as did Citizens Against Tobacco Smoke. Two important assets the groups used in their advocacy efforts were emerging research and a compelling spokesperson. Advocates showcased research on the health impacts of air quality in aircrafts that the National Research Council conducted in 1986 and that led the council to unequivocally recommend a smoking ban on all domestic flights.[118] These findings were part of mounting evidence on the topic, which broadened in scope to include worker safety, as some studies focused in particular on the impact to flight attendants. In this vein, Americans for Nonsmokers' Rights and others worked with flight attendant Patty Young to tell the story of flight attendants and their unhealthy work conditions.[119] These tactics and strategies contributed to the passage of a 1988 ban on smoking during domestic flights of two hours or shorter that was eventually extended to all flights less than six hours in 1990 and international flights in 2000.

State level

State legislation

When it came to implementing clean-indoor-air acts, states took the lead. Due in part to a strong grassroots organizing presence, as well as dedicated lobbyists, Minnesota passed one of the country's first clean-indoor-air acts in 1975, which sought to protect "the public health and comfort and the environment by prohibiting smoking in public places and at public meetings, except in designated smoking areas."[120] Enactment of this law energized both the tobacco industry, which began to put some of its resources into state-level lobbying, and other anti-smoking advocates, who sought similar measures in their own states.

Advocates played a clear role in advancing the bill, which ultimately secured passage. In 1973, two county affiliates of the ALA worked with a former state senator to form the Association for Nonsmokers Rights (ANSR) with a goal of securing smoking restrictions in several indoor venues, particularly restaurants. In 1974, organizing efforts led to publicity-attracting events, such as a statewide Don't Smoke Day, which was modeled on a similar event held in the city of Monticello and aimed to have all the state's smokers agree to stop smoking for one day. In addition, though the two bills introduced to the legislature in 1974 failed to pass, they laid the groundwork for advocate efforts the next year. Prior to the election, ANSR asked all legislative candidates to support their legislative initiatives and made candidate responses public, urging voters to vote for

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[118] Holm, A. L., & Davis, R. M. (2004). Clearing the airways: Advocacy and regulation for smoke-free airlines. *Tobacco Control*, *13*(S1), 30–36.

[119] Americans for Nonsmokers' Rights (n.d.). *Success stories*. Retrieved March 3, 2022, from https://nonsmokersrights.org/success-stories

[120] Klarqvist, E. (2017). *Minnesota Clean Indoor Air Act*. Research Department of the Minnesota House of Representatives. https://www.house.leg.state.mn.us/hrd/pubs/ss/ssmciaa.pdf

candidates who demonstrated a commitment to the interests of nonsmokers.[121] In 1975, Minnesota enacted the most robust clean-indoor-air act in the country, which became the exemplar that advocates in other states tried to replicate.

Interestingly, a decade later, the legislature strengthened and extended the law through the Omnibus Non-Smoking and Disease Prevention Act, which provided money to develop educational and communication campaigns to target youth smoking as well as increased taxes on cigarettes. While advocates from ACS, ALA, and ANSR were active on the bill, and new organizations, such as the Minnesota Smoke-Free Coalition, played a part,[122] many other stakeholders, primarily from state institutions, such as the Minnesota Medical Society and the Minnesota Medical Association Auxiliary, took the lead.[123] [124]

State ballot initiatives

Although California quickly became the state of choice for pursuing a variety of tobacco-control interventions, given its progressive nature and varied routes to legislative change, legislation that raised taxes still had trouble winning support. Public health advocates failed to pass a state ballot measure raising tobacco taxes in both 1978 and 1980. In the California legislature, advocacy groups were also unable to prevent the tobacco lobby from defeating 15 bills that sought higher taxes.[125] By 1988, though, as anti-tobacco sentiment rose, advocates seemed well positioned to place another initiative on the ballot.

Both health and environmental organizations led early planning, demonstrating a broader terrain of attack. By the time organizers began work on getting enough qualifying signatures to put the initiative on the ballot, members of the Coalition for a Healthy California numbered over 300 organizations and influential individuals.[126] Proposition 99, the Tobacco Tax and Health Promotion Act, increased the cigarette tax by 25 cents per pack, replacing the 10 cents per pack that had been in place since 1967. Importantly, 20% of the tax revenue was earmarked to fund a statewide tobacco-control program that included an anti-smoking media campaign.

The fight to pass Prop 99 was in many ways typical of these types of skirmishes. Proponents organized and utilized their human resources, deploying signature gatherers, holding events, and

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[121] Tsoukalas, T. H., Ibrahim, J. K., & Glantz, S. A. (2003). *Shifting tides: Minnesota tobacco politics*. UCSF Center for Tobacco Control Research and Education.
[122] Jacobson, P. D., & Wasserman, J. (1997). *Tobacco control laws: Implementation and enforcement*. Minnesota Historical Society.
[123] Shultz, J. M., Moen, M. E., Pechacek, T. F., Harty, K., Skubic, M. A., Gust, S. W., & Dean, A. G. (1986). The Minnesota plan for nonsmoking and health: The legislative experience. *Journal of public health policy*, *7*(3), 300–313.
[124] Fallin, A., & Glantz, S. A. (2015). Tobacco-control policies in tobacco-growing states: Where tobacco was king. *The Milbank Quarterly*, *93*(2), 319–358.
[125] Najera, A. P. (1998). History of successful ballot initiatives—California. *Cancer*, *83*(S12), 2680–2684.
[126] Najera, A. P. (1998). History of successful ballot initiatives—California. *Cancer*, *83*(S12), 2680–2684.

working to generate earned media. Once a sufficient number of signatures had been collected, they used a mix of promotion through social networks (calls, doorstep field tactics) and low-cost media. They also sought endorsements from influential people and publications. The tobacco industry, lacking people power, primarily spent its money on paid ads. In the end, tobacco control advocates spent $1.6 million, and the industry spent $21.2 million.[127] Despite being dramatically outspent, Prop 99 passed with 58% of voters in support.

In the decade or so that followed, California legislators introduced many other bills to curb and control tobacco. In addition, a 1998 ballot initiative, the California Children and Families First Act, increased the state excise tax from 37 cents to 87 cents per pack.[128] Many advocates in other states would look to California for lessons in successful tobacco-control legislation as they pursued change through both the ballot box and the legislative process.

Local level

California was also an attractive state for pursuing local legislation. Stanton Glantz and Julia Carol, the founders of Californians for Nonsmokers' Rights (which later became Americans for Nonsmokers' Rights), had strong support at the local level, where lobbying dollars were less effective, enabling them to counter the lobbyists and financial resources of the tobacco industry.[129] In 1981, they helped pass a nonsmokers' rights law in Ukiah, a small community near San Francisco, that had been defeated at the state level the year before. At the local level, they organized constituent pressure with letter-writing and telephoning campaigns, visits to local legislators, and public hearings. They also moved beyond traditional health agencies, involving environmental groups; good government; and community-based groups, such as the PTA.[130] By 1985, 89 cities and counties in the United States had enacted their own restrictions on smoking, about 75% in California.[131]

Success at the local level put increased attention on the issue of smoking in California and led to the creation of the California Tobacco Control Program (CTCP) in 1989 and the passage of Prop 99. The California Department of Health Services in 1990 began to implement Prop 99, which served to amplify local efforts throughout the state. At this time, 213 California communities had

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[127] Begay, M. E., Traynor, M., & Glantz, S. A. (1993). The tobacco industry, state politics, and tobacco education in California. *American Journal of Public Health*, *83*(9), 1214–1221.
[128] Sung, H. Y., Hu, T. W., Ong, M., Keeler, T. E., & Sheu, M. L. (2005). A major state tobacco tax increase, the Master Settlement Agreement, and cigarette consumption: The California experience. *American Journal of Public Health*, *95*(6), 1030–1035.
[129] Pertschuk, M. (2001). *Smoke in their eyes: Lessons in movement leadership from the tobacco wars*. Vanderbilt University Press.
[130] Glantz, S. A. (1987). Achieving a smokefree society. *Circulation*, *76*(4), 746–752.
[131] Hyland, A., Barnoya, J., & Corral, J. E. (2012). Smoke-free air policies: Past, present and future. *Tobacco Control*, *21*(2), 154–161.

already worked with Americans for Nonsmokers' Rights to pass clean-indoor-air ordinances.[132] The CTCP's priorities were to eliminate secondhand smoke exposure, reveal tobacco industry influence, reduce access to tobacco products, and provide cessation services. The accompanying media campaign increased public awareness around the dangers of secondhand smoke, and the health department now had the resources to help develop local tobacco-control policies. The statewide campaign combined with the effort of local advocates led to over 100 local smoke-free restaurant policies in California by 1994; by 2005, 95% of Californians had a smoke-free indoor workplace. In the 20 years after the passage of Prop 99, 22 other states adopted stronger comprehensive statewide policies without first implementing as many local policies as California, but the experience in California is believed to have set a precedent for other states.[133]

Controversy and transformation

Once it became clear that smoking was no longer an uncontested practice, and the tobacco industry was quickly losing favor in the court of public opinion, political decision-makers may have felt more comfortable adding smoking to the formal agenda. Before becoming controversial, tobacco was of political interest only in agricultural and trade committees and was mostly discussed in favorable terms.[134] This changed dramatically at all levels of government starting in the 1980s and has continued well past 2000. As long-established loyalties fell away in the face of tobacco industry intransigence and mounting public pressure, opportunities for broader transformation arose, and a systemic change of posture toward smoking occurred. Using evidence gathered from an ever-growing body of research and feeling assured in their support from constituents, politicians from the local to the federal level threw their support behind a wide variety of regulatory initiatives ranging from tighter restrictions on tobacco product promotion to smoking bans in public places to increased taxes on tobacco products.

This legislation was complemented by successful ballot initiatives seeking similar ends. As laws were passed that effectively removed smoking from the mass media, drastically limited it in public places, and made it more expensive for consumers, smoking moved further and further away from its once-presumed position as a normal practice and a private choice. At the same time, media coverage of committee hearings and other formal venues for conversations about tobacco's harmful impacts almost certainly eroded any remaining credibility the tobacco industry may have had. Thus, it is highly inferable that transformation was the result of a cyclical relationship in which the fading normality of smoking made the practice more vulnerable to legislative action, and that legislative action made smoking less normalized.

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[132] Glantz, S. A., & Balbach, E. D. (2000). *Tobacco war: Inside the California battles*. University of California Press.
[133] Francis, J. A., Abramsohn, E. M., & Park, H. Y. (2010). Policy-driven tobacco control. *Tobacco Control*, *19*(S1), 16–20.
[134] Baumgartner, F. R., & Jones, B. D. (2010). *Agendas and instability in American politics*. University of Chicago Press.

Parallels and Potential Pathways

- Over time, anti-smoking advocates succeeded in securing hearings for bills related to tobacco in a broader set of committees than that of agricultural committees in a range of more favorable jurisdictions. As the threats posed by animal agribusiness multiply to more clearly impact personal and public health, as well as the environment, similar opportunities are likely to arise for animal advocates.
- The decision by the American Cancer Society, the American Heart Association, and the American Lung Association to found the Coalition for Smoking OR Health, along with their lobbying efforts led by Matthew Myers, formerly at the FTC, was a strategic one. Animal advocates may also wish to further explore the benefits of creating political coalitions, both to pool resources and to broaden the set of arguments advanced.
- Ballot initiatives in states like California resulted in large changes that favored smoking opponents, such as notable tax increases and broader product promotion restrictions. Animal advocates have already seen the power of ballot initiatives like California's Proposition 12 and Massachusetts's Question 3 to hold animal agribusiness accountable to less cruel standards. While industry reactions, such as court challenges, must be considered, this strategy may continue to be worthwhile as not only a means of securing substantial political change but a way of offering a center point for organizing and strong potential for earned media.
- Anti-smoking advocates pursued local legislation in a number of jurisdictions, with a fair amount of success realized in more-progressive communities. While preemption remains a concern, recent advancements in similar cities may encourage animal advocates to further explore these types of interventions.[135] [136]
- Smoking opponents built relationships with people in key agencies at the federal and state levels who, in their specific capacities (e.g., FCC, FTC, OSHA), advanced advocates' political interests, often as advocates also pursued legislative efforts. Opponents of animal agribusiness may do well to investigate staff at relevant agencies with the intention of identifying potential advocates and allies.

The courtroom

Nowhere else was the controversy around smoking more explicitly debated than through litigation. Initially, the industry attempted to defuse the controversy by preventing rulings that would legitimize the anti-smoking cause. However, the courtroom was not immune to the turning

[135] Webber, J. (2021, July 28). Berkeley becomes first US city to phase out all animal products it serves. *Plant Based News*. https://plantbasednews.org/culture/law-and-politics/berkeley-city-animal-products/
[136] Compassion in World Farming (2021). San Francisco supports the Farm System Reform Act. https://www.ciwf.com/blog/2021/11/san-francisco-supports-fsra?utm_campaign=factoryfarming&utm_source=twitter&utm_medium=ciwf

tides elsewhere. The availability of research, increased media attention, growing public interest, and the organization of advocates transformed courtrooms into places of education and dialogue, and, in some cases, victories. In turn, favorable legal rulings fostered anti-smoking norms by formally acknowledging the harms of smoking and industry wrongdoing while restricting industry practices.

The tobacco industry

For most of the 20th century, tobacco companies avoided almost all legal liability for the health effects of smoking. Between the 1950s and 1995, they had hundreds of lawsuits filed against them but did not pay a single dollar to the plaintiffs.[137] The industry achieved this success primarily through strong-handed and uncompromising approaches to litigation. It appears that it was not until momentum on the political, social, and scientific fronts bore down on the industry that it transitioned from an offensive approach to a defensive strategy, settling litigation before unfavorable court rulings. This shift enabled advocates to gain ground on the legal recognition of the harms of cigarettes and increased industry regulation.

<u>The first and second waves of litigation</u>

From 1964 until the early 1990s, the industry's primary opponents were private citizens suing for the health consequences of smoking, such as cancer. These litigants were often financially limited and working without the benefit of the reams of research and industry documents that would later become available. Thus, the industry's strategy focused more heavily on legal procedure rather than legal theory. Top-level lawyers used seemingly unlimited funds to prolong litigation (e.g., extensive discovery process, depositions, filing and arguing motions), thereby exhausting plaintiffs' resources. The industry widely publicized that it would never settle a case.[138]

The Supreme Court case *Cipollone v. Liggett Group Inc.* offers an example of these standard strong-handed industry tactics. Rose Cipollone was a dying smoker who filed suit in 1983. In 1988, the jury awarded $400,000 to Rose's husband, marking the first jury ruling against the industry. An appeals court overturned the ruling, but the Supreme Court remanded the case back to the state. By this time, Cipollone's legal team was unable to further pursue the case after incurring about $3 million dollars in legal expenses.[139]

Another prominent industry strategy focused on the smokers themselves. Tobacco companies used the Federal Cigarette Labeling and Advertising Act of 1965 to argue that smokers knew the

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[137] Rice, R. (1995). Business and the law: When your health goes up in smoke. *Financial Times, 7*, 12. As cited in Mather, L. (1998). Theorizing about trial courts: Lawyers, policymaking, and tobacco litigation. *Law & Social Inquiry, 23*(4), 897–940.

[138] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf

[139] Mather, L. (1998). Theorizing about trial courts: Lawyers, policymaking, and tobacco litigation. *Law & Social Inquiry, 23*(4), 897–940.

health risks of smoking and therefore assuming these risks was the free choice of the smoker. Industry lawyers often cast plaintiffs as living risky or even immoral lifestyles in order to bolster their arguments.[140] The industry used this tactic, combined with persistently denying knowledge of the ill effects of smoking, to reduce the controversy around smoking and decrease the public's interest and concern.

Third wave of litigation

By the 1990s, however, a broader group of stakeholders had become engaged in the fight against big tobacco. The tobacco industry's adversaries shifted from single plaintiffs to class-action groups, states, companies, and organizations. These plaintiffs had the finances to withstand lengthy trials and were also equipped with internal industry documents and scientific research. The public and political narrative about smoking was also changing. Consequently, tobacco companies could no longer count on sympathetic juries and underresourced plaintiffs. Trials became riskier, and investors may have become uneasy.

The *Carter v. Brown & Williamson* trial illustrates this changing legal landscape. This was the first suit during which a jury was presented with the leaked Brown & Williamson (B&W) internal documents.[141] In August 1996, the jury found that cigarettes were unreasonably dangerous and that B&W parent company British American Tobacco had not suitably warned the public of the risks; the court awarded $750,000 in damages to Gary Carter.[142] This was only the second time a jury had ruled in favor of the plaintiff. Phillip Morris's stock fell by $11.25 billion shortly after.[143] Notably, the original ruling was overturned on appeal.

The threat of potential legal losses at the hands of juries contributed to tobacco companies shifting their strategies to protect their investors. A common tactic became settling cases in order to avoid the courtroom and associated media coverage to try to reduce the controversy around smoking, even if the settlements were costlier than a trial. In 1996, Liggett became the first company to break the industry's "no settlement policy" and reached agreements with a class-action suit and five states. Other states were also permitted to join the agreement, helping Liggett reduce the deluge of state action suits that were on the horizon.[144] The precedent had

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[140] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[141] Kelder, G. E., & Daynard, R. A. (1997). Judicial approaches to tobacco control: The third wave of tobacco litigation as a tobacco control mechanism. *Journal of Social Issues, 53,* 169–186.
[142] Schwartz, J. (1996, August 10). Florida smoker wins $750,000 in damages. *Washington Post.* https://www.washingtonpost.com/archive/politics/1996/08/10/florida-smoker-wins-750000-in-damages/efd80850-2970-447f-bb03-cd2e93fd7554/
[143] Levin, M. (1996, August 12). Former smoker wins pivotal tobacco case. *Los Angeles Times*. https://www.latimes.com/archives/la-xpm-1996-08-10-mn-32943-story.html
[144] Feder, B. (1996, March 16). Liggett Group reaches pact with 5 states. *New York Times.* https://www.nytimes.com/1996/03/16/us/liggett-group-reaches-pact-with-5-states.html

been set, and other tobacco companies settled state suits on the eve of trials set to occur in Mississippi, Florida, and Texas.[145]

The plaintiffs

As noted, plaintiffs had very little success during the first and second waves of tobacco litigation. However, the landscape changed in the early 1990s after a number of notable events, including the revelations of industry knowledge and manipulation of the addictive qualities of nicotine, increased media coverage, and leaked industry documents detailing industry coverups.[146] The legal landscape was primed for deploying new legal arguments by broadening the causes for litigation and aggregating lawsuits. Various advocates seized this opportunity, resulting in a barrage of suits. For example, while only 49 lawsuits were pending against the tobacco industry by the end of 1993, this number rose to 807 by mid-1998.[147]

Class-action suits

Class-action suits presented significant challenges to the tobacco industry. Attorneys, who were often highly skilled, combined their resources, enabling them to file large claims and respond to procedural industry tactics. The victims of smoking became multitudes of people per suit, neutralizing the industry's previous tactic of exposing the character flaws of individual smokers.

An important development in unifying stakeholders was the founding of the Tobacco Products Liability Project (TPLP) in 1985, which Dick Daynard chaired. The purpose of the TPLP was to coordinate the efforts of various plaintiffs' lawyers and to facilitate the sharing of information between these lawyers and scientific researchers. It provided the foundation for the future of class-action suits.

Lawyers of third-wave class-action suits also shifted their legal strategy away from the personal health consequences of cigarettes. Instead, they focused on the controversy surrounding nicotine addiction and the tobacco companies' use of fraud and deceit as a cause of injury and death.[148] In the 1994 class-action suit *Engle v. R.J. Reynolds Tobacco Co.*, a jury found the industry liable in a number of areas, finding that "smoking cigarettes causes lung cancer, nicotine in cigarettes is addictive, and R.J. Reynolds concealed or omitted information on the health effects and addictive nature of cigarettes." The jury awarded the plaintiffs $145 billion in punitive damages, threatening to bankrupt the defendants. However, the Supreme Court decertified the

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[145] Mather, L. (1998). Theorizing about trial courts: Lawyers, policymaking, and tobacco litigation. *Law & Social Inquiry, 23*(4), 897–940.
[146] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[147] Meier, B (1998, June 19). Tobacco bill's death is likely to prompt litigation landslide. *New York Times*. https://www.nytimes.com/1998/06/19/us/tobacco-bill-s-death-is-likely-to-prompt-litigation-landslide.html
[148] Mather, L. (1998). Theorizing about trial courts: Lawyers, policymaking, and tobacco litigation. *Law & Social Inquiry, 23*(4), 897–940.

case in 2006 and reversed the damages. The plaintiffs' efforts were not in vain, as the 500,000 individual class members were permitted to file individual suits based on the liability findings of the class-action suit.[149]

Finally, although lawyers had difficulties framing smokers as victims during the first two waves of litigation, the growing research on the consequences of environmental smoke broadened the controversy and public narrative. Litigants were now those people exposed to the harms of cigarette smoke through no fault of their own. In 1991, seven nonsmoking flight attendants filed a class-action suit against six major cigarette manufacturers on behalf of more than 60,000 flight attendants (*Broin v. Philip Morris Companies Inc.*). The suit was settled in 1997, with the tobacco companies agreeing to both pay $300 million to establish the Flight Attendant Medical Research Institute and allow flight attendants harmed by secondhand smoke to file individual cases, regardless of the statute of limitations.[150]

State lawsuits

State lawsuits were often pursued concurrently with class-action suits. While probably many factors brought states into the legal arena, one important development appears to have been progress in legal theories and reforms that opened the door for third parties to recuperate expenses for tobacco-related illnesses.[151] The primary strategy of state suits was to reframe the victim as the state and its taxpayers rather than the individual smoker. Consequently, the controversy of smoking gained further significance as a public health problem. Mississippi attorney general Mike Moore filed the first state suit on May 23, 1994, against tobacco manufacturers, wholesalers, and trade groups. Moore's legal strategy focused on proving the industry was liable for the state's costs of treating smokers—specifically, that the state had been directly injured by the industry's behavior because it was forced to pay the Medicaid costs associated with tobacco-related illnesses.[152] On the eve of the trial, the industry agreed to pay over $3 billion to the state.[153]

In August 1994, Minnesota became the second state to file a suit against the tobacco industry, but its strategy notably differed from Mississippi's.[154] First, Blue Cross and Blue Shield insurance

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[149] Tobacco Control Legal Consortium (2015). *What is the "Engle Progeny" litigation?* Public Health Law Center. https://publichealthlawcenter.org/sites/default/files/resources/tclc-fs-engle-progeny-2015.pdf
[150] Sweda, E. L. (2004). Lawsuits and secondhand smoke. *Tobacco Control, 13*, 61–66. https://doi.org/10.1136/tc.2003.004457
[151] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[152] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf
[153] Schwartz, J. (1997, July 4). Tobacco firms, Mississippi settle. *Washington Post.* https://www.washingtonpost.com/archive/politics/1997/07/04/tobacco-firms-mississippi-settle/08edc646-4305-4b03-b82d-cdadc6ad8584/
[154] U.S. Department of Health and Human Services (2000). *Reducing tobacco use: A report of the surgeon general*. https://www.cdc.gov/tobacco/data_statistics/sgr/2000/complete_report/pdfs/fullreport.pdf

company joined as co-plaintiff, expanding the scope of the suit. Second, the suit focused on the fraudulent behavior of the industry rather than illness-related costs. The case was settled during the closing arguments on May 8, 1998. The industry agreed to pay over $6 billion to Minnesota, to comply with multiple concessions concerning advertising, and to continue releasing industry records.[155]

Lawsuits by the states continued to amass until the battle between the industry and states came to a head. In November 1998, the major tobacco companies settled with 46 states, the District of Columbia, and five commonwealths and territories in what is known as the *Master Settlement Agreement*.[156] The companies agreed to pay the states $206 billion through the year 2025 and abide by several public health provisions related to advertising to youth, marketing, and lobbying. Additionally, the industry had to fund the National Public Education Foundation, which is dedicated to preventing youth smoking.[157]

Controversy and transformation

For the first half of the 20th century, the industry used the legal system to perpetuate the dominant social norm that smoking was an informed personal choice. However, during the third wave of litigation, the cascade of suits coupled with increased media coverage positioned the legal system as a vehicle for creating even more controversy and changing existing norms. The trials themselves ignited public interest as charismatic attorneys, sympathetic plaintiffs, and authoritative judges provided strong objections to presumptions around smoking. Like the coverage of political committee discussions, media coverage of the numerous suits provided ongoing catalysts for public discussion about the harms of smoking and the tobacco companies' conduct. Mobilizing a strategic legal battle also required coordinating the efforts of various advocates who were positioned to change smoking norms. Alliances formed between lawyers and researchers (e.g., Tobacco Products Liability Project), groups of individuals (e.g., class-action suits), and states and private insurance companies. One consequence of such alliances was the potential to engage a larger and more diverse segment of the public in the controversy. The variety of cases served to redefine and broaden the framing of smoking from personal choice to addiction and from personal health costs to public health costs.[158] Advocates also strategically leveraged this platform. Press releases and interviews provided powerful tools for educating the public and changing the narrative around smoking and tobacco companies. This more informed

[155] Public Health Law Center (n.d.). Minnesota litigation and settlement. Retrieved October 28, 2021, from https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/commercial-tobacco-control-litigation/minnesota-litigation-and

[156] King III, C., & Siegel, M. (2001). The Master Settlement Agreement with the tobacco industry and cigarette advertising in magazines. *New England Journal of Medicine*, *345*(7), 504–511.

[157] Niemeyer, D., Miner, K. R., Carlson, L. M., Baer, K., & Shorty, L. (2004). The 1998 Master Settlement Agreement: A public health opportunity realized—or lost? *Health Promotion Practice*, *5*(S3), 21–32. https://doi.org/10.1177/1524839904264588

[158] Mather, L. (1998). Theorizing about trial courts: Lawyers, policymaking, and tobacco litigation. *Law & Social Inquiry, 23*(4), 897–940

public would form future juries, once again demonstrating the cyclical nature of this type of transformation.

Parallels and Potential Pathways

- The Tobacco Products Liability Project coordinated the efforts of various plaintiffs' lawyers and facilitated the sharing of information between these lawyers and scientific researchers. Within animal advocacy, this strategy may be particularly pertinent to those working on the environmental, antitrust, and legislative fronts, where allies from various backgrounds can plan coordinated legal strategies and share information that could benefit a variety of litigation topics.
- At times, litigation provided additional opportunities to broaden concerns over the industry and expand the number of stakeholders united in opposition to smoking. A clear example of this was the strategy of engaging state attorneys general by initially quantifying and then building arguments around the health costs to states of smoking-related illnesses. Given the multiple concerns related to animal agriculture, including animal welfare issues, environmental impact, industry consolidation, risk of disease, and potential adverse health conditions, animal advocates may be able to secure similar litigation on behalf of farmed animals.
- Lawyers and other stakeholders strategically leveraged the media to move the controversy from the confines of the courtroom to the wider public realm where a narrative could be created challenging the reputation of tobacco companies while garnering support for their victims. Animal advocates could utilize their various public platforms, including social media, to publicize legal cases while simultaneously educating the public about the industry more broadly.
- In the fight over smoking, industry documents often became publicly available through legal proceedings. These documents contain information that may provide a more accurate depiction of events than other publicly available information. Similarly, animal advocates should closely monitor legal proceedings such as those associated with antitrust or workplace litigation for the release of internal industry documents that reveal industry self-serving motivations and harmful actions.

Section 4: A similar trajectory

This case study offered a deep dive into the origins of controversy around smoking, with an eye toward lessons that animal advocates could glean from this struggle. While the tobacco industry used a variety of tactics in attempts to maintain its position, opponents succeeded in moving the practice of smoking toward the margins of society by pursuing a variety of arguments on multiple fronts. Specifically, they built a case by demonstrating the negative health impacts of smoking on

smokers and then on those around them, as well as destroying the industry's reputation by uncovering tobacco companies' lies and drawing attention to their predation on youth. Smoking opponents used research to build a strong case and campaigns to make their case to the American public. They then used that momentum to try to strengthen their position in political battles from the city to the federal level, as well as in the courts. U.S. animal advocates may improve their effectiveness—and ultimately their impact—by modeling the strategies and tactics pursued by smoking opponents where appropriate and feasible.

An examination of the growing controversy over farmed animal products reveals a similar trajectory, as well as a set of skirmishes on several of the same fronts. Although people have been consuming animal products for much longer than they have been smoking tobacco, the emergence of industrialized animal agriculture in the United States and the concentration of a relatively large part of the market in the hands of a few very powerful players is as recent as the 1950s.[159]

In order to advance its interests, animal agribusiness has deployed both offensive and defensive tactics that are quite similar to the tobacco industry's. In taking the offensive, animal agribusiness has created a web of relationships ranging from 4-H clubs to associations such as the National Dairy Council and the United Egg Producers to academic research centers such as the Foundation for Meat and Poultry Research and Education. With almost unlimited resources they have been able to create and widely promote campaigns such as "*Beef: It's what's for dinner*," "*Pork: the other white meat,"* and "*Got milk?,"* all of which worked to capture the public's attention and increase sales. In addition to wooing the public, the industry has been very politically active, primarily at the state and federal levels, stumping for crop subsidies, research dollars, and other favorable legislation.[160]

In recent years, the industry has also pursued several defensive tactics. In trying to sway public opinion against plant-based alternatives, for example, it has created front groups and hosted websites like Clean Food Facts. Industry members have also used both the judicial branch and the legislative branch to try to silence whistleblowing and investigations of factory farms (ag-gag laws), as well as to disadvantage plant-based companies by restricting the nomenclature they can use to identify their products (labeling laws). In a similar fashion, the industry has fought efforts to

[159] Raup, P. M. (1973). Corporate farming in the United States. *The Journal of Economic History*, *33*(1), 274–290.
[160] MacDonald, R., & Reitmeier, C. (2017). Understanding food systems: agriculture, food science, and nutrition in the United States. Academic Press.

break up its consolidation[161] and has utilized the courts as a mechanism to delay the changes required by political wins such as California's Prop 12.[162]

Of course, these tactics were not deployed in a vacuum; they often resulted from activities by animal advocates who have become more strategic in their efforts, much like the anti-smoking advocates examined in this case study. A quick review of movement strategy reveals that many of the same interventions have been pursued and similar lines of attack employed in efforts to shift the consumption of animal products from a commonly accepted practice to one that is both undesirable and highly regulated.

Since the late 1960s, when animal agriculture became more intensely industrialized and demand for animal products in the United States continued to rise, concern has emerged over the industry's practices and products. As with tobacco, some of the earliest questions arose from research that began to show a link between meat and dairy consumption and various health problems, such as colon cancer, coronary disease,[163] [164] high cholesterol,[165] and diabetes.[166]

Additionally, the broadening of research avenues over time has led to an increase in the areas of concern. Current investigations include negative environmental impacts, such as animal agriculture's pollution of both air and water through concentrated animal feeding operations;[167] the large amount of water used in raising farmed animals;[168] deforestation resulting from

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[161] Cortellessa, E. (2021, November 7). Can Biden coop up the monopolies?. *Washington Monthly*. https://washingtonmonthly.com/magazine/november-december-2021/can-biden-coop-up-the-monopolies/

[162] Bollard, L. (2020). What could a Biden administration mean for farm animals?. WBI Studies Repository. https://www.wellbeingintlstudiesrepository.org/aw_farm_gen/6/

[163] Armstrong, B., & Doll, R. (1975). Environmental factors and cancer incidence and mortality in different countries, with special reference to dietary practices. *International Journal of Cancer*, *15*(4), 617–631.

[164] Dwyer, T., & Hetzel, B. S. (1980). A comparison of trends of coronary heart disease mortality in Australia, U.S.A and England and Wales with reference to three major risk factors-hypertension, cigarette smoking and diet. *International Journal of Epidemiology*, *9*(1), 65–71.

[165] Bergeron, N., Chiu, S., Williams, P. T., M King, S., & Krauss, R. M. (2019). Effects of red meat, white meat, and nonmeat protein sources on atherogenic lipoprotein measures in the context of low compared with high saturated fat intake: A randomized controlled trial. *The American Journal of Clinical Nutrition*, *110*(1), 24–33.

[166] Jannasch, F., Kröger, J., & Schulze, M. B. (2017). Dietary patterns and type 2 diabetes: A systematic literature review and meta-analysis of prospective studies. *The Journal of Nutrition*, *147*(6), 1174–1182.

[167] United States Government Accountability Office (2008). *Concentrated animal feeding operations: EPA needs more information and a clearly defined strategy to protect air and water quality from pollutants of concern*. U.S. Government Accountability Office.

[168] Mekonnen, M. M., & Hoekstra, A. Y. A global assessment of the water footprint of farm animal products. *Ecosystems*, *15*(3), 409.

grazing;[169] and more recently, the contribution of industrial animal agriculture to climate change.[170] In addition, attention is being drawn to animal agriculture's role in antibiotic resistance, pandemics,[171] and worker safety.[172] Undercover investigations of factory farms, animal-transport operations, and slaughterhouses have also revealed immense cruelty.[173] All this research shifts the position of eating animal products from one of personal dietary preference to that of public controversy.

Also mirroring the fight over tobacco, early knowledge of these conditions led a small but vocal group of advocates to work on repositioning the topic. Those seeking to remove animals from the food system have used the evidence of problems associated with the products, process, and industry as the basis of their efforts to raise public awareness and disrupt the highly normalized practice of consuming animal products.

While People for the Ethical Treatment of Animals (PETA) was one of the few larger organizations running farmed animal campaigns and advocating a vegan diet in the 1980s,[174] many organizations emerged in the 1990s and 2000s to shed light on the problem, and a great number of established animal organizations currently focus their efforts there as well. In addition, dozens of grassroots groups, such as Direct Action Everywhere and the Animal Save Movement, have been founded in the past decade. Looking at the movement as a whole, it is clear that advocates have used many public engagement techniques with some success.

Although criticism has justly been directed at the effectiveness of focusing solely on individual diet change interventions, techniques ranging from leafleting to producing documentaries have led to increased awareness and, arguably, sympathy on the part of the American public. In addition, campaigns that focused on the most egregious practices, such as those involving veal calves and laying hens,[175] have garnered enough negative media attention to potentially affect

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[169] Steinfeld, H., Gerber, P., Wassenaar, T., Castel, V., Rosales, M., de Haan, C. (2006). *Livestock's long shadow: Environmental issues and options*. Food and Agriculture Organization of the United Nations.

[170] Food and Agriculture Organization of the United Nations (n.d.). *Key facts and findings*. Retrieved March 3, 2022, from http://www.fao.org/news/story/en/item/197623/icode/

[171] Bhatia, R. (2021). Addressing challenge of zoonotic diseases through One Health approach. *Indian Journal of Medical Research*, *153*(3), 249.

[172] Chapman, J. A., Seggerman, I., & Winders, D. J. (2021). Slaughterhouse deregulation: A view of the effects on animals, workers, consumers, and the environment. *The Brief*, *50*(4), 44–55.

[173] Wilson, L. (2014). Ag-gag laws: A shift in the wrong direction for animal welfare on farms. *Golden Gate University Law Review*, *44*, 311.

[174] Dillard, C. L. (2002). *The rhetorical dimensions of radical flank effects: Investigations into the influence of emerging radical voices on the rhetoric of long-standing moderate organizations in two social movements*. The University of Texas at Austin.

[175] Rondoni, A., Asioli, D., & Millan, E. (2020). Consumer behaviour, perceptions, and preferences towards eggs: A review of the literature and discussion of industry implications. *Trends in Food Science & Technology*, *106*, 391–401.

consumer choices. Moreover, campaigns advocating reduced meat consumption, such as Meatless Monday and Veganuary, have gained popularity. More recently, public engagement efforts have shifted both to create a broader story about the problems associated with animal agribusiness and to concentrate efforts on institutional or systemic change, using increased public sympathy to give legitimacy and weight to advocates' demands.

In terms of political interventions, almost all attempts at change have focused on improving conditions for farmed animals. Like anti-smoking advocates, animal advocates have found it difficult to advance legislation at the federal level since they fought for and won the passage of the Humane Slaughter Act in 1958,[176] which was amended in 1978. That said, they have had some success at the state level, particularly with prohibiting extreme confinement conditions and painful practices, such as tail docking and force-feeding. A recent compilation of state farmed animal protection laws notes that 10 states prohibit or are phasing out gestation crates, nine ban veal crates, 10 ban or restrict the use of battery cages, seven ban products from hens kept in battery cages, two ban products involving use of veal or gestation crates, three prohibit tail docking of cattle, and one prohibits the production and sale of foie gras obtained from force-feeding geese.[177]

In line with the experience of anti-smoking advocates, California has proved to be the state most amenable to these types of farmed animal welfare advances, and it is the only state to have approved all the previously listed regulations. Advocates there have succeeded in both lobbying campaigns and state ballot initiative efforts, the most important win being the passage of Prop 12. In 2018, dozens of organizations and nearly 1,600 activists united to form Prevent Cruelty California.[178] Together, the coalition collected more than 600,000 signatures to put Prop 12 on the ballot and then spent countless hours raising public awareness about the initiative and encouraging people to vote yes. Like anti-smoking advocates using ballot initiatives to educate and activate everyday citizens, these organizers knocked on doors, held house parties, stood on street corners, earned media coverage, and held fundraisers to cover paid media costs. Their efforts paid off for the animals: Close to 62%[179] of Californians voted to enact the

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[176] Unti, B., & Rowan, A. N. (2001). A social history of postwar animal protection. In D.J. Salem & A.N. Rowan (Eds.). *The state of the animals 2001*. Humane Society Press.
[177] Unpublished document. Humane Society of the United States.
[178] Block, K. (2018, April 25). We did it! Signature goal surpassed in California farm animal ballot campaign. *A Humane World* [blog]. https://blog.humanesociety.org/2018/04/success-signature-goal-surpassed-in-california-farm-animal-ballot-campaign.html
[179] Ballotpedia (2018). *California Proposition 12, farm animal confinement initiative (2018)*. https://ballotpedia.org/California_Proposition_12,_Farm_Animal_Confinement_Initiative_(2018)

farthest-reaching legislation on animal welfare standards ever proposed. In fact, Prop 12 will affect close to a million pigs and 40 million laying hens each year.[180]

Newer legislative efforts have focused on securing support for plant-based alternatives, largely in terms of reducing the impact of climate change. Initiatives in this vein include advocating government procurement policies ranging from legislation to executive orders that set greenhouse-gas-emission reduction targets for government food purchasing. These early efforts have already resulted in commitments from cities such as Washington, DC, and Berkeley, California, and are making headway in states such as Connecticut and New York. Other approaches, more similar to those pursued by smoking opponents, are also being pursued with an emphasis on public education concerning the connection between animal agriculture and climate change and the implementation of meat reduction programs such as Meatless Monday.

In addition, a number of animal advocacy organizations have engaged in legal activities to make headway for farmed animals, mimicking anti-smoking advocates. Advocates have achieved victory on several fronts, particularly in the past 10 to 15 years, often using the power of investigations and video footage in particular. For example, the vast majority of egg producers were prevented from using terms that suggested hens were raised with care because these claims were deemed false and misleading in a series of cases brought by Compassion Over Killing, now known as Animal Outlook. Cases are currently proceeding along similar lines with a focus on other farmed animal industries. Undercover investigations also led to public outrage and in some cases, such as the Hallmark/Westland Meat Co. investigation, legal action resulting in a rule prohibiting the slaughter for human consumption of cows who could not walk.[181] Closely mirroring efforts of anti-smoking advocates who sued to ensure that tobacco industry practices could not be withheld from the public on the basis of privileged information, the Animal Legal Defense Fund recently won a case against the Food and Drug Administration, with the court determining that cage size and number of cages is not an industry secret.[182]

Animal advocates have also successfully defended themselves and their legislative victories in court. Three important areas of defense are striking down laws that prevent activists from recording activities at farms (called “ag-gag laws” by advocates); prohibit plant-based companies from using terms such as “meat,” “milk,” and “butter”; and challenge state ballot initiatives such as

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[180] Torrella, K. (2021, August 10). The fight over cage-free eggs and bacon in California, explained. *Vox*. https://www.vox.com/future-perfect/22576044/prop-12-california-eggs-pork-bacon-veal-animal-welfare-law-gestation-crates-battery-cages

[181] Perry, N., & Brandt, P. (2007). A case study on cruelty to farm animals: Lessons learned from the Hallmark Meat Packing case. *Michigan Law Review First Impressions*, *106*, 117.

[182] Animal Legal Defense Fund (2021, August 4). FDA ordered to release factory farming data on intense confinement hens used by the egg industry. https://aldf.org/article/fda-ordered-to-release-factory-farming-data-on-intense-confinement-of-egg-laying-hens/

Prop 12 that seek to reduce suffering for farmed animals. Specifically, the past few years have seen ag-gag laws struck down in several states, including animal farming stronghold states, such as Idaho, Iowa, and Kansas.[183] While several smaller victories had prevented restrictions on terminology for plant-based products, 2021 saw a major victory when Miyoko's Creamery partnered with ALDF to successfully block the California Department of Food and Agriculture's attempt to prohibit the use of both "dairy" and "butter" on the company's packaging.[184] Finally, earlier this year, the U.S. Supreme Court rejected the North American Meat Institute's challenge to California's Prop 12.[185]

Even as animal advocates have pursued several of the same avenues that smoking opponents did, they have also put effort behind new ones, the most distinctive of which is corporate engagement. While anti-smoking advocates almost exclusively used a coercive or combative approach in dealing with their corporate opponents, animal advocates have chosen a more multipronged strategy that involves not only negative engagement, such as targeted campaigns against companies unwilling to change, but attempts at collaboration. In addition, their strategies include partnering with an ever-expanding group of businesses eager to provide plant-based alternatives.

Beginning in the mid-2000s, several groups devoted their attention to retailers, manufacturers, and restaurants, recognizing the power and interest these stakeholders had in influencing the practices and products tied to animal agriculture. Sensing support from consumers to move away from battery cages for laying hens, which was built from the previous decades' public awareness campaigns, these entities were first asked to sign cage-free commitments. In less than 10 years, major brands including Walmart and Costco had signed on, forcing the egg industry to invest billions of dollars to change their systems. Advocates then turned their sights on the broiler chicken industry, asking for a similar range of companies to sign the Better Chicken Commitment, which seeks better conditions for chickens raised for meat.[186] While wins there have taken longer to secure, real headway is being made. And finally, advocates have more recently been asking restaurants and retailers to offer more plant-based options in campaigns like Champions of Breakfast, seeing some early wins with commitments from well-known chains, such as Denny's.

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[183] ASPCA (n.d.). *What is ag-gag legislation*. Retrieved March 3, 2022, from https://www.aspca.org/improving-laws-animals/public-policy/what-ag-gag-legislation

[184] Bitker, J. (2021, August 11). Win for vegan butter: Miyoko's Creamery scores legal victory in plant-based labeling battle. *San Francisco Chronicle*. https://www.sfchronicle.com/food/article/Win-for-vegan-butter-Miyoko-s-Creamery-scores-16380138.php

[185] Doughman, E. (2021, June 28.) Supreme Court rejects meat industry Proposition 12 lawsuit. WattAgNet. https://www.wattagnet.com/articles/43121-supreme-court-rejects-meat-industry-proposition-12-lawsuit?v=preview

[186] Garcés, L. (2018). Corporate engagement strategies to improve farm animal welfare and why they work. In *Farming, Food and Nature*. Routledge.

Another approach to corporate engagement, which animal advocates have taken and was never truly available to smoking opponents, is working strategically with companies that provide plant-based alternatives. When controversy destabilizes a practice or creates opposition to particular products, opportunities arise for new practices and products to emerge. In the case of tobacco, these have been purportedly less harmful products, such as e-cigarettes and vaporizers produced by the tobacco industry. In the case of animal products, however, new products offer the potential for a true transformation from a food system that relies on animal protein to one that is plant-based or cultivates protein from animal cells. The past decade has seen critical improvements in alternatives to animal products with the development of meat-, dairy-, and egg-free options that closely mimic their counterparts. These products, created both by new players in the food space and by some companies long associated with animal products, provide clear paths for transformation. As attractive alternatives appear on restaurant menus and grocery store shelves, and as they are promoted by companies with impressive advertising budgets, they are more likely to become part of a new normal in which protein need not come from animals. Advocates have a key role to play by promoting the products to their supporters and encouraging them to spread the word within their social networks, harnessing the power of interpersonal persuasion. They are also uniquely poised to offer the ethical arguments to individuals for transitioning from conventional animal products to an animal-free food system.

In closing, case studies like this one provide a rich sense of the possibilities for social change, especially when explored with an interest in the dynamic nature of controversy. This case suggests a productive pattern that animal advocates can learn from, in which research provides the basis for displacing accepted aspects of society, and effective public engagement builds controversy in the public sphere. This controversy can grow as more people become sympathetic to the cause and as a small but important percentage of those people actively work to advance the issue. The increased breadth and depth of discussion around the controversy could conceivably equip farmed animal advocates with additional legitimacy and power in their efforts to influence institutional decision-makers, who may be forced to make transformational change at the systems level. At the same time, this study, like all research of this nature, reveals the critical importance of specific contexts and audiences, making clear that each movement must evaluate these key variables before charting the most effective way forward. Such strategic analysis will undoubtedly increase the likelihood of our movement's success in the coming decade and far beyond.