

# CAMPAIGN For TOBACCO-FREE Kids®

## THE CIGARETTE COMPANIES AND "SAFER" CIGARETTES

### A Long History of Exploiting Consumers' Health Concerns to Keep Them Smoking

Roughly fifty years ago, the cigarette companies realized that they had address the growing threat to their market caused by the fact that more and more smokers were becoming concerned about the health risks from smoking. As a law firm representing the tobacco industry put it in the early 1950s:

*There is only one problem -- confidence, and how to establish it; public assurance and how to create it . . . And, most important, how to free millions of Americans from the guilty fear that is going to arise deep in their biological depths -- regardless of any pooh-poohing logic -- every time they light a cigarette.<sup>1</sup>*

But worries about this problem soon turned into excitement over the prospects of taking advantage of smokers' growing health concerns to market products that would both keep smokers from quitting and capture a larger share of the cigarette market. A 1958 Philip Morris document, for example, states: "*I'll bet that the first company to produce a cigarette claiming a substantial reduction in tars and nicotine . . . will take the market.*" [emphasis added]<sup>2</sup>

All of the major cigarette companies did begin selling cigarettes advertised as "light" or as having low tar and nicotine levels, and the strategy paid off. As a 1996 Lorillard document concluded: "*[T]he switching study confirms the rightness of our 5-Year Plan; focusing Company effort against smokers' health concerns . . . Low T&N [tar and nicotine] brands seem to be satisfying smokers' intellectual T&N concerns.*"<sup>3</sup>

Starting even earlier, the companies were running countless ads highlighting special filters or promoting various alleged health benefits separate from low tar and nicotine levels. In the 1930s and 1940s, a Lucky Strike ad stated "20,679 Physicians say 'Luckies are less irritating,'" [emphasis in original]; and another ad boasted "More Doctors Smoke Camels Than Any Other Cigarette."<sup>4</sup> A 1953 ad stated "You can see why the Parliament Filter Mouthpiece gives you Maximum Protection. . . You're So Smart to Smoke Parliaments."<sup>5</sup> A 1952 Viceroy ad was more blunt: "Filtered Cigarette Smoke is Better for Your Health" [emphasis in original]; and a 1953 L&M ad actually stated "*THIS IS IT! 'Just What The Doctor Ordered.'*"<sup>6</sup>

As time went on, the companies continued to address smokers' health concerns by marketing low-tar cigarettes and using health-directed advertising. A 1985 Brown & Williamson document, for example, noted that smokers not only seek physical and emotional benefits from smoking but also "rational benefits" (such as "health reassurance") – so the company established "*Strategy Priority Three: Develop/exploit existing/emerging rational benefits.*"<sup>7</sup>

But consumers were being duped. As the cigarette companies were well aware, the actual or implied health claims in their ads were either misleading or entirely false. As a Brown & Williamson law firm noted in the late 1980s, "*the adoption of filters in the late 1940s and early 1950s was probably not animated by a desire to lower deliveries [of tar and nicotine].*

*Advertising claims to the contrary aside, earlier filtered cigarettes had deliveries equal to or in excess of their unfiltered cousins."*<sup>8\*</sup>

The cigarette companies also knew that smokers choosing low or ultra-low tar brands were not necessarily reducing their tar intake or their health risks.

### **The Compensation Problem**

Soon after the cigarette companies began selling low tar and nicotine cigarettes, it became clear the smokers that switched to these "light" brands were compensating for the lower nicotine levels by adopting new ways of smoking the cigarettes so that they would still consume the same amounts of nicotine as they would with regular brands. Besides simply smoking more cigarettes, smokers would inhale more deeply and hold their fingers over the ventilation holes in the light cigarettes' special filters, thereby reducing or eliminating their tar-reducing effect. As a result, smokers of light cigarettes often ingest the same amount of tar as those smoking regular or high-tar cigarettes.<sup>9</sup> In fact, studies have shown that blocking filter vents in low-tar cigarette brands increased smokers' carbon monoxide exposure by 44 to 239 percent, and that there is no difference in the carbon monoxide concentrations of the expired air of smokers of "light" brands versus smokers of regular brands.<sup>10</sup>

The cigarette companies were well aware of these facts. A 1972, RJ Reynolds document states: *"If, as claimed by some anti-tobacco critics, the alleged health hazard of smoking is directly related to the amount of 'tar' to which the smoker is exposed per day, and the smoker bases his consumption on nicotine, then a present 'low-tar, low nicotine' cigarette offers zero advantage to the smoker over a 'regular' filter cigarette."*<sup>11</sup> A 1983 RJR document states: *"If a given level of nicotine in the blood is the final goal of a smoker, one would predict that he would smoke an FFT (full flavour tar) and ULT (ultra low tar) cigarette differently . . . This all falls under the area of smoker compensation which we have been interested in studying for some time now."*<sup>12</sup>

Going further, a 1985 Brown & Williamson document concludes: *"Compensation -- It exists; most smokers practice it, but we need to understand it better before advantage can be taken in the marketplace. Here, I believe designing to the subconscious is preferred to requiring the smoker to commit a conscious act."*<sup>13</sup> Internal documents from the other cigarette companies show that they were full aware of smokers low-tar "compensation" strategies, as well.<sup>14</sup>

Despite this knowledge, the companies continued to market low-tar cigarettes with direct or implied health claims. An ad for True cigarettes, for example, shows an attractive woman with the text *"All the fuss about smoking got me thinking I'd either quit or smoke True. I smoke True. The low tar/low nicotine cigarette. Think about it."* A 1990 Carlton ad (also with an attractive woman) says *"Isn't It Time You Started Thinking About Number One? Think Carlton. With 1 Mg. Tar, It's the Ultra Ultra Light."*<sup>15</sup>

The duplicity of the cigarette companies is readily apparent in the following two RJR quotes:

From a 1990 ad for RJR's Now cigarettes: *Ultra-lights smokers: Can you get at least 50% less tar and nicotine and still get flavor in a cigarette? Now you can.*<sup>16</sup>

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\* A January 1995 *Cancer Research* study found that fibers from cigarette filters, often stained with tar, were being inhaled by smokers, and appearing in the lung tissue of smokers with lung cancer. A Spring 1997 study in *Tobacco Control* found that smokers of cigarettes with charcoal filters (said to remove certain toxins from the smoke) were inhaling charcoal granules, with uncertain health effects.

From a 1990 internal RJR document: *It has been argued for several years that low tar and ultra-low tar cigarettes are not really what they are claimed to be . . . the argument can be constructed that ULT [ultra low tar] advertising is misleading to the smoker.*<sup>17</sup>

Subsequent published studies confirmed the well-established fact that smokers compensated for low-tar levels by changing their smoking habits, and a range of studies showed that smoking low-tar cigarettes not only failed to reduce some health risks among smokers but even created new health consequences. Several studies, for example, found that low-tar cigarettes have higher nitrate concentrations and, consequently, produce higher levels of N-nitrosamines, including several known carcinogens, in the smoke inhaled by smokers.<sup>18</sup> A 1997 study in the *Journal of Oral Pathology and Medicine* found that smoking low-tar and low-nicotine cigarettes rather than regular cigarettes did not reduce the prevalence of oral mucosal lesions among smokers.<sup>19</sup> Other studies noted that the rise of low-tar cigarettes has not reduced smokers' overall risk of chronic obstructive pulmonary disease or lung cancer.<sup>20</sup> In fact, a number of studies have linked low-tar cigarettes and smokers' compensation (especially their drawing smoke from low-tar cigarettes more deeply into lungs) to increases among smokers of adenocarcinoma, a previously rare type of lung cancer that afflicts the tiniest airways of the lung.<sup>21</sup> Similarly, studies in the *American Journal of Public Health* in 1995 and 1998 showed that smokers in the 1980s were more likely to die from respiratory disease and lung cancer than smokers in the 1960s, despite increase in smoking of low-tar cigarettes and overall decline in measured tar levels.<sup>22</sup>

Despite all this knowledge, the RJR Vice President of Product Development and Assessment testified under oath in a 1998 trial that he was "*not aware that R. J. Reynolds has ever warned consumers about the health effects of compensation.*"<sup>23</sup> None of the other companies had every warned any of their customers, either.

Not surprisingly, a survey in the July 1998 *American Journal of Preventive Medicine* found that many smokers had switched to light or ultra-light cigarettes to reduce smoking risks, but the vast majority did not know that one ultra-light cigarette could deliver the same amount of tar as one regular cigarette. And more than one quarter of the light and ultra-light smokers said they would be likely to quit if they knew this information.<sup>24</sup> A follow-up study found that the Massachusetts tobacco prevention program's advertising to inform consumers that smoking low-tar cigarettes does not necessarily reduce tar intake or reduce health risks not only increased smokers' knowledge about low-tar cigarettes but also increased the number trying to quit.<sup>25</sup>

### **Recent Cigarette Company Efforts to Retain Customers By Marketing "Safer" Cigarettes**

In the mid 1990s or earlier, Santa Fe Tobacco Company and Alternative Cigarettes, Inc. began marketing additive-free "natural" and herbal cigarettes. The U.S. Federal Trade Commission (FTC) subsequently filed complaints against the companies for advertising their cigarettes in ways that falsely implied they did not pose the health risks caused by smoking regular cigarettes. Alternative Cigarettes, for example, ran an ad stating "Native Americans smoked all-natural tobacco without the ills that are associated with smoking today." In April 2000, the two companies agreed to include the statement "No additives in our tobacco does NOT mean a safer cigarette" in all future ads. In addition the companies agreed to post the following statement on any future ads or packaging of herbal cigarettes: "Herbal cigarettes are dangerous to your health. They produce tar and carbon monoxide."<sup>26</sup>

In August 1997, RJR began marketing Winston cigarettes with an extensive "no additives" campaign. The FTC filed a complaint against RJR stating that this new ad campaign inaccurately implied that cigarettes with no additives were less harmful than other cigarettes, thereby attracting consumers seeking a safer cigarette. RJR subsequently agreed to include the statement "No additives in our tobacco does NOT mean a safer cigarette" in all Winston ads for a year and in all future ads making any no additives claims.<sup>27</sup>

In August 1998, Philip Morris began test marketing ultra-light Accord cigarettes with a "Puff-Activated Lighter," a new "smoke-free" cigarette-smoking system. According to the company, the cigarette is designed to address consumer concerns about secondhand smoke, smoke-caused odor, and fire risks, and provides "another choice for adults who choose to smoke." Advertising for Accord includes slogans such as "Less smoke around you."<sup>28</sup> But a study of Accord smokers found that they had to smoke four times as many Accord cigarettes than regular cigarettes to satisfy their nicotine cravings.<sup>29</sup>

### **RJR's New Eclipse Cigarette Alternative**

In April 2000, R.J. Reynolds re-introduced a revised Eclipse cigarette alternative, using some of the most ambitious and direct health claims ever made for a tobacco product marketed in the United States. This new Eclipse was also the very first cigarette-type product sold directly to users by a major U.S. cigarette manufacturer via the internet (with a website full of charts, diagrams, and scientific references). Among other things, RJR claims that Eclipse offers smokers "a better way to smoke" that "may present less risk of cancer;" "reduces carcinogenic compounds," "produces less inflammation in the respiratory system, which suggests a lower risk or chronic bronchitis, and possibly emphysema," "cuts secondhand smoke by 80%," and "makes a smoker's life easier." RJR test marketed earlier versions of Eclipse in 1996 and 1997, and test marketed another new-technology "safer cigarette," Premier, before that.<sup>30</sup>

Immediately after the re-release of Eclipse, researchers at Wake Forest University stated that their research on Eclipse, which RJR had referenced, should not be used by RJR to make any claims that it reduced health risks.<sup>31</sup>

Earlier research regarding the redesigned Eclipse cigarette alternative had found glass fiber contamination of the Eclipse filters resulting in the discharge of glass fibers and glass particles from the filter during use, causing the smoker to inhale or ingest them.<sup>32</sup> Although the health consequences of glass fiber inhalation through Eclipse are not clear, a follow-up survey of adults found that virtually all thought glass fibers posed an additional risk beyond normal cigarette smoke and thought that cigarette manufacturers have a duty to inform consumers about the glass fibers.<sup>33</sup>

While the use of the new Eclipse by smokers has been linked to their smoking fewer regular cigarettes, it has also been found to increase carbon monoxide concentrations, which puts its "safer" claims in further doubt.<sup>34</sup> In addition, a comparison of Eclipse to two regular ultralight brands already on the market found that it produces greater amounts of several cancer-causing chemicals -- directly contradicting RJR's claims that smoking Eclipse produces 80% less carcinogens than a "typical ultralight." The study also found that because of changes to the filter the new version of Eclipse produces much higher levels of various carcinogens and toxins than a previous version of Eclipse.<sup>35</sup>

## The Newest "Safer" Cigarettes

All of the major U.S. cigarette companies have begun taking steps to obtain tobacco leaf for their cigarettes that have lower levels than standard tobacco of nitrosamines, one of 40 or 50 cancer-causing substances in cigarettes. A small new cigarette company, Star Scientific, has already begun test marketing a low-nitrosamine tobacco cigarette (which also has a special charcoal-acetate filter designed to reduce other toxins from inhaled cigarette smoke); and cigarettes using low-nitrosamine tobacco are expected from the major cigarette companies soon. Whether lower nitrosamine levels in cigarette tobacco will actually make cigarettes any safer is not yet known; but in September, 2000, RJR issued a press release stating that its own research has concluded that reducing nitrosamine levels in tobacco leaf used in cigarettes does not reduce the health risks associated with smoking. Observers believe that the RJR's release of its research conclusions is an attempt to protect its Eclipse cigarette alternative from losing part of the market for perceived "less-risky" cigarettes to low-nitrosamine cigarettes.<sup>36</sup>

*National Center for Tobacco-Free Kids, November 13, 2000*

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<sup>1</sup> Hill & Knowlton, Forwarding Memorandum (1953). Minnesota Trial Exhibit 18904.

<sup>2</sup> C.V. Mace to R.N. DuPois, "Brief Comments on a Program to Produce a Low Delivery Filter Cigarette with Flavor" (1958), Philip Morris document 1000305086.

<sup>3</sup> Smith R.E. to J.R. Ave, "Re: 1976 Switching Study, As Found in Lorillard 1976 Switching Study Summary (November 1976), Lorillard document 03296484/03296544.

<sup>4</sup> Tobacco Advertising: Past, Present, and Future, <http://academic.scranton.edu/student/STARKA2>; Burnt Offerings, "Not A Cough In A Carload," [www.wclynx.com/burntofferings/adsmedical.html?](http://www.wclynx.com/burntofferings/adsmedical.html?)

<sup>5</sup> Leavell, N.R. & K.M. Cummings, *The Low-Tar Lie*, Erie-Niagra Tobacco-Free Coalition (June 1999).

<sup>6</sup> Miller, G.H., "The 'Less Hazardous' Cigarette: A Deadly Delusion," *New York State Journal of Medicine* (July 1985).

<sup>7</sup> T.E. Sandefur, Jr. to E.T. Parrack, Jr. "Competitive Strategy Review" (March 27, 1985) B&W doc. 512103102/106.

For more examples of cigarette company product manipulation and marketing strategies to take advantage of smokers' health concerns, see, e.g., Hurt, R.D. et al., "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine," *Journal of the American Medical Association* 280(13): 1173-81 (October 7, 1998).

<sup>8</sup> T. Abrams, et al. for Jones, Day, Reavis & Pogue, undated attorney work product for Brown & Williamson. B&W document 681879254/715.

<sup>9</sup> See, e.g., Russell, M.A.H. et al., "Relation of Nicotine Yield of Cigarettes to Blood Nicotine Concentrations in Smokers," *British Medical Journal* 280(6219): 972-76 (1980); Benowitz, N.L., et al., "Smokers of Low-Yield Cigarettes Do Not Consume Less Nicotine," *New England Journal of Medicine* 309(3): 139-42 (1983); Miller, G.H., "The 'Less Hazardous' Cigarette: A Deadly Delusion," *New York State Journal of Medicine* (July 1985); Jarvis, M. & C. Bates, *Why Low-Tar Cigarettes Don't Work and How the Tobacco Industry Has Fooled the Public*, UK Action on Smoking and Health (March 18, 1999).

<sup>10</sup> Sweeney, C.T., et al., "Effect of Filter Vent Blocking on Carbon Monoxide Exposure From Selected Lower Tar Cigarette Brands," *Pharmacology, Biochemistry, and Behavior* 63(1): 167-73 (May 1999); Gromon, E. et al., "Carbon Monoxide in the Expi9red Air of Smokers Who Smoke So-Called 'light' brands of Cigarettes," *Tobacco Control* 9:352 (Autumn 2000).

<sup>11</sup> Teague, Claude Jr., "A Gap in Present Cigarette Product Lines and an Opporutnity to Market a New Type of Product" (1972), RJR Minnesota Trial Exhibit 12366.

<sup>12</sup> Robinson, J.H. to A. Rodgman, "Critique of Smokers of Low-Yield Cigarettes Do Not Consume Less Nicotine" (July 25, 1983. Trial Exhibit 12648 [Quoted in Jarvis & Bates (March 18, 1999)].

<sup>13</sup> Sandford, R.A., Internal Memorandum to E.E. Kohnhorst, Research Development and Engineering (June 28, 1985), Minnesota Trial Exhibit 13250.

<sup>14</sup> See, e.g., Jarvis, M. & C. Bates, *Why Low-Tar Cigarettes Don't Work and How the Tobacco Industry Has Fooled the Public*, UK Action on Smoking and Health (March 18, 1999); Leavell, N.R. & K.M. Cummings, *The Low-Tar Lie*, Erie-Niagra Tobacco-Free Coalition (June 1999).

<sup>15</sup> "Carlton Campaign Boasts of Tar Rating," *Wall Street Journal* (February 25, 1990).

<sup>16</sup> Advertisement for Now cigarettes (1992) RJR document 509231506.

<sup>17</sup> "Product Differentiation Group -- The Over-Smoking Issue (Tar to Nicotine Ratio)" (1990), RJR MN Trial Exhibit 13139.

<sup>18</sup> See, e.g., Wynder, E.L. & J.E. Muscat, "The Changing Epidemeology of Smoking and Lung Cancer Histology," *Environmental Health Perspectives* 103(Supplement 8): 143-48 (November 1995).

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- <sup>19</sup> Andersson, G., et al., "The Influence of Cigarette Consumption and Smoking Machine Yields of Tar and Nicotine on the Nicotine Uptake and Oral Mucosal Lesions in Smoking," *Journal of Oral Pathology and Medicine* 26(3): 117-23 (March 1997).
- <sup>20</sup> See, e.g., Djordjevic, M.V., et al., "Nicotine Regulates Smoking Patterns," *Preventive Medicine* 26(4): 435-40 (July-August 1997).
- <sup>21</sup> See, e.g., Stellman, S.D., et al., "Risk of Squamous Cell Carcinoma and Adenocarcinoma of the Lung in Relation to Lifetime Filter Cigarette Smoking," *Cancer* 80(3): 382-88 (August 1997); Russo, A., et al., "Changes in Lung Cancer Histological Types in Varese Cancer Registry," *European Journal of Cancer* 33(10): 1643-47 (September 1997); Osann, K.E., "Epidemiology of Lung Cancer," *Current Opinions in Pulmonary Medicine* 4(4): 198-204 (July 1998); Wynder, E.L. & J.E. Muscat, "The Changing Epidemiology of Smoking and Lung Cancer Histology," *Environmental Health Perspectives* 103(Supplement 8): 143-48 (November 1995). See, also, BBC News, "Low Tar Cigarettes Linked to Cancer Upsurge," <http://news.bbc.co.uk> (November 18, 1999).
- <sup>22</sup> Rosenbaum, W.I., et al., "Use of Multiple Surveys to Estimate Mortality Among Never, Current, and Former Smokers: Changes over a 20-Year Interval," *American Journal of Public Health* 88(11): 1664-68 (November 1998); Thun, M.J., et al., "Excess Mortality Among Cigarette Smokers: Changes in a 20-Year Interval," *American Journal of Public Health* 85(9): 1223-30 (September 1995).
- <sup>23</sup> Townsend, D., RJR V-P of Product Development and Assessment, Minnesota trial testimony (April 2, 1998).
- <sup>24</sup> Kozlowski, L.T., et al., "Smokers' Misperceptions of Light and Ultra-Light Cigarettes May Keep Them Smoking," *American Journal of Preventive Medicine* 15(1): 9-16 (July 1998).
- <sup>25</sup> Kozlowski, L.T., et al., "Massachusetts' Advertising Against Light Cigarettes Appears to Change Beliefs and Behavior," *American Journal of Preventive Medicine* (May 2000).
- <sup>26</sup> U.S. Federal Trade Commission (FTC), press release, "FTC Accepts Settlements of Charge that "Alternative Cigarette Ads Are Deceptive" (April 27, 2000).
- <sup>27</sup> FTC, press release, "FTC Accepts Settlements of Charge that Ads for Winston "No Additive" Cigarettes Are Deceptive" (March 3, 1999).
- <sup>28</sup> Coleman, "Philip Morris Explores New Smoking System," *Tobacco International* (December 1997); Glass, C., "Virtually Smoke Free: Philip Morris Introduces New Smoking System," *Tobacco Reporter* (December 1997); Jones, C., "Short of Complete Accord: Battery Powered Cigarettes Drawing Mixed Reactions," *Richmond Times Dispatch* (August 22, 1998).
- <sup>29</sup> Blackwell, J.R., "Users of Device May Smoke More," *Richmond Times Dispatch* (August 17, 2000) [reporting on an upcoming study in *Nicotine and Tobacco Research*].
- <sup>30</sup> See, e.g., Fairclough, G., "Reynolds Says Eclipse Cigarette May Less Likely Cause Cancer," *Wall Street Journal* (April 20, 2000); RJR Eclipse website, [www.rjrdirect.com](http://www.rjrdirect.com); Glass, C., "The Considerate Cigarette," *Tobacco Reporter* (March 1997).
- <sup>31</sup> *Associated Press*, "Wake Forest Researchers Decry Use of Study to Back Eclipse Health Claims (April 25, 2000).
- <sup>32</sup> Pauly, L.J., et al., "Glass Fiber Contamination of Cigarette Filters: An Additional Health Risk to the Smoker?," *Cancer, Epidemiology, Biomarkers and Prevention* 7(11): 967-79 (November 1998).
- <sup>33</sup> Cummings, K.M. et al., "Consumer Perception of Risk Associated with Filters Contaminated with Glass Fibers," *Cancer, Epidemiology, Biomarkers and Prevention* 9(9): 977-79 (September 2000). On health risks from glass fiber inhalation, see, e.g., Oser, M. et al., "Failure Conditions of Glass Filament Yarns: A Contribution to the Valuation of Carcinogenic Potentials of Fiber Fragments," *Zentralblatt Fur Hygiene und Umweltmedizin* 201(3): 251-67 (September 1999) [in German]; Higuchi, M.A. et al., "Quantitative Analysis of Potential Transfer of Continuous Glass Filament from Eclipse Prototype 9-014 Cigarettes," *Inhalation Toxicology* 12(11): 1055-70 (November 2000).
- <sup>34</sup> Fagerstrom, K.O., et al., "Randomised Trial Investigating Effect of a Novel Nicotine Delivery Device (Eclipse) and a Nicotine Oral Inhaler on Smoking Behaviour, Nicotine and Carbon Monoxide Exposure, and Motivation to Quit," *Tobacco Control* 9:327-33 (Autumn 2000).
- <sup>35</sup> Labstat International, Inc., *Characterization of Three "Low/Ultra Low" Tar Brands*, report commissioned by Massachusetts Department of Public Health (October 2000); Koh, Howard K., Commissioner, Massachusetts Department of Public Health, letter to Robert Pitofsky, Chairman, Federal Trade Commission (October 3, 2000) [requesting FTC investigation into RJR health claims for Eclipse].
- <sup>36</sup> R.J. Reynolds Tobacco Company, "Low-Nitrosamine Cigarettes Not Shown to be Safer in Tests Conducted by the R.J. Reynolds Tobacco Company" (September 22, 2000); Zawada, A., "Low-Nitrosamine tobacco No Safer, RJR Study Finds," *Winston-Salem Journal* (September 23, 2000); Star Scientific, Inc. website, [www.starscientific.com](http://www.starscientific.com).