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FEDERAL PARLIAMENTARY COMMITTEE HEARINGS ON BILL C-71, THE TOBACCO ACT: EXAMINING WRITTEN AND ORAL STATEMENTS OF TOBACCO INDUSTRY STAKEHOLDERS

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FEDERAL PARLIAMENTARY COMMITTEE HEARINGS ON BILL C-71, THE
TOBACCO ACT: EXAMINING WRITTEN AND ORAL STATEMENTS OF
TOBACCO INDUSTRY STAKEHOLDERS

(Spine title: The tobacco industry in hearings on Bill C-71 [Tobacco Act])

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by

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A thesis submitted in partial fulfillment
of the requirements for the degree of
Master of Science

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Examining written and oral statements of the tobacco industry**

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ABSTRACT

Introduction. This case study examined the tobacco industry as a stakeholder during the parliamentary hearings on a 1997 keystone piece of Canadian tobacco legislation—Bill C-71, the *Tobacco Act*—regulating the sale, manufacture, sponsorship and promotion of tobacco products. A significant amount of public participation was present in the hearings, in which the tobacco industry stakeholders (e.g., growers, manufacturers, distributors and retailers, allied manufacturing industries, and sponsored sport and cultural events organizers) provided more than half of all written and oral submissions to government.

Background. The government introduced Bill C-71 after the 1995 Supreme Court of Canada sided with the tobacco industry in a decision to strike down the standing tobacco control legislation.

Purpose. This study undertook the examination of the explicit and implicit meanings of statements within tobacco industry submissions to the Canadian government in order to understand how the tobacco industry attempted to influence tobacco control legislation during the policy development of Bill C-71. The research questions asked: 1) How were issues related to smoking and tobacco discussed in the texts?; and 2) What discursive tactics were used by the tobacco industry stakeholders to justify their positions?

Methods. 77 tobacco industry oral and written submissions to the House of Commons Standing Committee on Health and the Senate Standing Committee on Legal and Constitutional Affairs were analysed using interpretive discourse analysis. The first level of analysis used a tool that drew on Potter & Wetherell (1994) and Rudman (2003). Foci were placed on how tactics were used within the texts to create roles, shape and forefront

particular identities, arguments against opposition, problems and solutions. The second level of analysis drew on the first level to examine the discursive tactics employed by tobacco industry stakeholders. The approach to analysis and interpretation of discursive tactics involved detailed reading of texts as well as linking texts with broader contextual features, particularly sociopolitical and economic contextual factors (e.g., neoliberal economic policies, illegal market surge, judicial strike down of past legislation, and national cultural divide between Anglophone and Francophone populations).

Findings. Six categories of discursive tactics were constructed through interaction with texts: 1) presentation of self (e.g., community-involved, victim); 2) undermining government efforts (e.g., harm-causing, counter Canadian tradition, totalitarian); 3) tactical use of evidence (manipulation of counter evidence, presenting misleading studies); 4) use of intentional discourse types (legal, constitution and democracy-based); 5) evasion of health discourse (e.g., superficial support for health objectives, denying links to tobacco industry); and 6) increasing economic discourse (framing self as entrepreneur, consumer and market-based solutions).

Conclusions. In this case study, many tactics were used to frame smoking and tobacco, and problems and solutions in ways aligned with neoliberal ideology or rationality, focusing on individual responsibility, freedom in the market place, entrepreneurship and minimizing a government role. Appeals to “reason”, “justice”, and “democracy” were made by all tobacco industry stakeholders to liken Bill C-71 to its predecessor and undermine government’s overall health objectives and specific regulations. Tobacco industry stakeholders portrayed government as the root of the problem of tobacco consumption and negative economic situation, thereby deflecting responsibility from

themselves and evading health issues. Interestingly, many of these same arguments have been cited in literature since the early 1980s, suggesting that tactics are re-used and specific argument content is shaped by the context. Findings may assist health promoters identify and prepare for future opposition from the tobacco industry.

Keywords: Bill C-71, *Tobacco Act*, tobacco industry, parliamentary hearings, tactics.

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CHAPTER 1

Introduction

Tobacco-related morbidity and mortality are major worldwide health concerns. It has been estimated that 100 million people died of tobacco-related illnesses during the 20th century, and projections suggest that this figure will increase 10-fold during the 21st century (White, 2007). Conditions such as heart disease, chronic obstructive lung disease, emphysema and cancers of the lung, larynx, oral cavity, nasopharynx, oesophagus, liver, cervix, stomach, and urinary tract are but a few of the many fatal and non-fatal illnesses for which tobacco use is a known or probable cause (Health Canada, 1995; West, 2006). Additionally, the harm caused by smoking is not limited to smokers; environmental tobacco smoke is associated with chronic respiratory problems such as asthma, allergies, chronic respiratory symptoms, chronic bronchitis, upper respiratory infections and fatal lung cancer (Bridevaux & Rochat, 2006; Jaakkola et al., 2006).

In an effort to decrease tobacco consumption and tobacco-attributed health conditions, governments around the world have created and continue to create legislation that targets: where tobacco can be smoked; the age at which tobacco can be consumed; where tobacco can be sold; where and how tobacco products can be advertised; and what health warnings on packages and advertisements should look like (International Labour Office, 2002). Until 2005, tobacco restrictions were introduced in many countries as national initiatives; however the implementation of the World Health Organization (WHO) Framework Convention on Tobacco Control (FCTC) (the first international health promotion treaty) in approximately 160 countries increased WHO's international

jurisdiction over tobacco regulation and also provided the first introduction to tobacco control for some member states (World Health Organization [WHO], 2005; WHO, 2008).

Canada imposed legislative restrictions to control tobacco use long before ratifying its membership to the FCTC (Health Canada, 1995). In 1988, Parliament concurrently introduced Bill C-51, the *Tobacco Products Control Act*, and Bill C-204, the *Non-Smokers' Rights Act*, which banned smoking in all federal and federally-funded workplaces, severely restricted smoking on public transportation and banned smoking completely on both domestic and overseas airline flights (Knaus, 1992). In 1994, Canada became the first country to introduce mandatory health warnings on tobacco product packaging (Mahood, 1995). Three years later, in 1997, the keystone piece of Canadian tobacco control legislation, Bill C-71, the *Tobacco Act* (the "Act")—currently the most comprehensive piece of Canadian tobacco control legislation—was introduced (*Tobacco Act*, [1997] S.C., c. 13). The Act was created to regulate the manufacturing, sale, labelling and promotion of tobacco products, to make consequential amendments to another Act and to repeal certain Acts (*Tobacco Act*, [1997] S.C., c. 13).

Certain stakeholders have criticized both the federal government and various pieces of legislation that have been introduced in Canada. Historically, physicians and health organizations have urged the government to impose tough restrictions to control the tobacco industry. In contrast, tobacco suppliers fought against restrictions and government intervention in the market, citing job losses and economic disadvantages (Cunningham, 1996). These arguments from anti and pro-tobacco stakeholders surfaced as early as 1903, the year Canada considered banning cigarettes altogether (Cunningham, 1996).

This research study examined the tobacco industry in its participation in the public hearings of Bill C-71, the *Tobacco Act* (*Tobacco Act*, [1997] S.C., c. 13). The method of discourse analysis was used, with Bill C-71 as a single case study, to explore the explicit and implicit meanings of statements made by tobacco industry stakeholders. Tobacco industry written briefs and transcripts of presentations to parliamentary committees were examined to determine how the industry, as a stakeholder in tobacco control legislation, tried to influence the policy cycle. See Appendix A for a detailed overview of the policy-making process in Canada. For the purposes of this study, *tobacco industry stakeholders* were defined as any person or organization involved in the manufacturing, sale, distribution or promotion of tobacco products and/or fully or partially monetarily supported by the industry or industry-sponsored events, as defined by public document. Federal, provincial and territorial governments were excluded from this definition.¹

Background and Significance

Each health issue is approached differently in terms of government-led health promotion efforts. For example, screening for the early detection of certain types of cancers is offered to individuals universally, while the promotion of healthy diets has been delivered through social marketing approaches. In the past 30 years, the issue of government-led tobacco control evolved from a wholly individual-centred approach to a wholly manufacturer-centred approach (Nathanson, 2005). The individual-centred approach viewed smoking as a health problem created and solved by the individual.

¹ Note. The definition of the tobacco industry in this study is broader than many other studies that describe the industry as the manufacturers alone. This definition was specifically created to include stakeholders that were “indirectly employed” by the tobacco industry (e.g., allied manufacturers, sponsored events organizers, funded academics) because of the likelihood of similar interests during hearings.

However, over the last ten years the industry's covert intentions and practices have become publicly exposed, leading to government's tobacco control efforts increasingly focusing on changing tobacco industry practices. The industry has vehemently tried to refute the causal role of tobacco-related health problems and continues to tactically shift focus elsewhere—especially when legislative and regulatory restrictions are under debate.

Evidence of tobacco industry tactics to induce new smokers, maintain current smokers and discourage possible quitters did not appear until 1998 when the Master Settlement Agreement (MSA) was agreed upon in the United States (US) (Levin, 2006). The MSA commenced with over 40 states joining to claim the largest civil settlement in American history. As a result, five of the largest tobacco companies, Philip Morris USA, R.J. Reynolds Tobacco Company, Lorillard Tobacco Company, Brown & Williamson Tobacco Corporation, and Liggett Group agreed to pay an estimated \$206 billion in health care recovery costs associated with treating smoking-related illnesses (Sloan, Matthews, & Trogon, 2004). The tobacco companies also agreed to finance a \$1.5 billion anti-smoking campaign, open previously secret industry documents, and disband industry trade groups that concealed image-damaging research (Levin, 2006; Saloojee & Dagli, 2000; Sloan, Matthews, & Trogon, 2004). The secret documents revealed many personal communications and internal memorandums that exposed tobacco companies acknowledging both the harm of their products and the fact that tactics needed to be used to compete in the market (Saloojee & Dagli, 2000). Examples of the exposed tactics included: conducting public relations campaigns; hiring lobbyists to influence policy; using front groups and allied industries to oppose tobacco control measures; pre-empting

strong legislation by pressing for the adoption of voluntary codes or weaker laws; and buying scientific and other expertise to create controversy (Lopipero & Bero, 2006; Saloojee & Dalgi, 2000; Trochim, Stillman, Clark, & Schmitt, 2003). In many of these documents and studies, as well as for the purposes of this study, *tactics* were broadly defined as actions or inactions that are employed to encourage or prevent changes in public policy in ways that are aligned with the instigator's interests (Tindal, 2005).

Acknowledging that tactics exist in the policy cycle suggests that any stakeholder could reasonably employ an action (e.g., creating a pressure group) or non-action (e.g., refraining from supporting a politician who is not “on-side”) to affect the decision making of a policy. It is likely that many of the stakeholders involved in the legislation of Bill C-71, the *Tobacco Act*, used lobbyists and front groups and presented scientific research that favoured their position. Health organizations were transparent about their tactical efforts to have tobacco considered a hazardous product to be restricted under the *Hazardous Products Act* (1985) in case of defeat of Bill C-71 (Micay, 1999; Walters, 1996). They also openly discussed orchestrating a letter-writing campaign to federal government—an action that pressured government to draft and introduce the Bill (Micay, 1999). Conversely, secretive and heavy lobbying from the tobacco industry and funded front groups diverted the argument from health concerns to other issues and delayed the third reading of the Bill for four months in the winter of 1997 (Gray, 1997; Micay, 1999).

Despite strong legislation and an explicit social stigma attached to smoking, approximately 19% of Canadians ages 15 years and over continued to smoke in 2007 (CTUMS, 2007). Smoking is still a national health problem with anticipated legislative battles on the horizon at federal, provincial and territorial levels, such as implementation

of a federal advertising ban, and provincial bans on smoking in cars with children and outdoor public places. The intention of the study was to increase systematic knowledge about tobacco industry discourse and assist health advocates, within and beyond the tobacco control field, in recognizing health-antagonist discursive tactics in the face of developing healthy public policies. As well, the very same industry issues Canada dealt with during the legislative cycle of Bill C-71 will be confronted by many other nations. In the words of former Canadian Minister of Health, Jake Epp, “Tobacco is a global issue, and the industry, health consequences and solutions are similar around the planet” (Epp, J. in R. Cunningham, 1996, p. i7). With an increase in success of tobacco control in Canada and other developed countries, tobacco companies have shifted their attention to the developing world (Stillman, Hoang, Linton, Ritthiphakdee, & Trochim, 2008; Yach & Wipfli, 2006). It is necessary to share the Canadian experience with other countries to assist in the successful implementation of tobacco control policies worldwide.

In conclusion, this study was important for four key reasons: 1) to identify a case example of why public health and research should or should not focus their tobacco control efforts on the tobacco industry (as opposed to the individual-based approach); 2) to provide a Canadian counterpart to U.S.-based MSA research projects exploring the issue of tobacco industry tactics; 3) to specifically examine the public hearing setting as a possible location of tobacco industry tactics in Canada; and 4) to inform health advocates arguing for future legislation in Canada and elsewhere about the meanings and strategies of tobacco industry communications.

Statement of Purpose

The purpose of this study was to explore the explicit and implicit meanings of statements within tobacco industry submissions to the Canadian government in order to understand how the tobacco industry attempted to influence tobacco control legislation during the policy development of Bill C-71.

The research questions guiding this study were:

1. How were smoking and tobacco discussed in texts?
2. What discursive tactics were used by tobacco industry stakeholders to justify their positions?

Personal History

As a researcher conducting an interpretive study, it is important at this point to explain to the reader my background to increase trustworthiness of the study (Angen, 2000). I approach my life as a health promoter. I have studied health for the last six years, moving towards a specialization in health promotion in the last four, and focusing more specifically on tobacco control health policy during the last two. During this time, I have developed an understanding of health that aligns with the World Health Organization (1948) definition, which is “Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.” Furthermore, health promotion is the process of enabling people to increase control over, and to improve their health (Ottawa Charter for Health Promotion, 1986). While these definitions are important to my interpretations in this study, they are also considerably important to understand and discuss health in the terms outlined by the stakeholders in this study, which I will do. In order to generate an understanding of the stakeholders’ perspectives

and the political environment, I worked as a lobbyist for a national health organization for five months during this study, which helped me gain critical insight into the workings of cancer-related healthy public policies, including tobacco control policy. I was in direct and regular contact with Members of Parliament and the Senate, including Members of the (present) Standing Committees on Health and Finance; national, provincial and regional non-governmental health agencies; health units; and on one occasion with a representative of the tobacco industry. I gained first-hand experience in the legislative process and worked closely with policy analysts who passed provincial tobacco control legislative bills on smoke-free environments and bans on smoking in cars with children. In addition, I worked very closely with the tobacco control advocates who opposed the tobacco industry during the legislative process of Bill C-71. As a researcher, I tried to the utmost of my ability to remain aware of my neutral investigator perspective during the analysis of this study, remaining a reflective observer to the federal tobacco control environment, while independently examining statements made by the tobacco industry during public consultation.

CHAPTER 2

Literature Review

Overview

This chapter explores theories proposed as ways to understand government, policy-making and stakeholder action, as well as examines tobacco industry representatives as the major stakeholder of Bill C-71. Part one of the chapter examines the political theories used to develop an understanding of public policy, government and interest group behaviour as they relate to the parliamentary hearings examined in the study. Part two examines the contextual factors that were interpreted to have influenced government and tobacco industry stakeholder decision-making during the policy cycle of Bill C-71, including: 1) the neoliberal economic approach taken by the new federal government in the early 1990s; and 2) tobacco legislation leading to Bill C-71, the *Tobacco Act*. Part three reviews previous studies of past tobacco industry behaviour in the legislative arena, and beyond, to develop an understanding of the stakeholder.

Part One: Political Theories

Public Policy

In the dissection of the noun *public policy*, the former word, *public*, refers to the fact that policy is developed and implemented by public authorities of the government and backed by the force of public law—as opposed to private sector corporations, for example. The latter word, *policy*, is often used to describe deliberate decisions that provide guidance for addressing identified social objectives and concerns (Torjman, 2005). Thus, public policy can be defined as the broad framework within which decisions are taken and action or inaction is pursued by governments in relation to some social

issue or problem (Jackson & Jackson, 1994). Similarly, Greenberg, Miller, Mohr, and Vladeck (1977) suggested that public policy did not represent a single, discrete unitary phenomenon introduced by one single government action on society, but instead represented the larger context of decisions by policy makers. Public policies are strongly influenced by public society. If political parties wish to become the government of the state or maintain their position of leadership, they must introduce policies that are deemed publicly acceptable in their approach to dealing with a problem, meeting an objective and creating a desired outcome (Jackson & Jackson, 1994).

Public policy influences virtually every aspect of the lives of Canadians. For example, policies can determine ways to address objectives such as clean air, clean water, good health, high employment, an innovative economy and active trade (Torjman, 2005). The formulation of public policy can be best understood as a process of making decisions that are considered to be in the best interest of all members of society (Torjman, 2005). Not all public policies affect the entire population; policy can also target only a certain sub-group. For example, public health policy may require that citizens exhibiting symptoms of epidemic diseases, such as coughing during the SARS outbreak, be quarantined. The intent of such policies is to protect all members of society by focusing upon a select few.

Pluralist Theory

The pluralist approach to politics emphasizes the role of political actors and organized interests in the policy process (Jackson & Jackson, 1994). Within this framework, government ideally plays a neutral role, comparing competing group demands and making decisions that are in the best interest of the national majority

(Jackson & Jackson, 1994). The theory assumes that the state operates in a democratic way, satisfying all stakeholders as the competing views of individuals and groups are constantly changing and balanced in government decision-making (Signal, 1998). The pluralist movement grew out of a shift of powers in governance over the 1700s to the 1900s, when power changed hands from an aristocratic society to entrepreneurs as a result of growth in population, the spread of suffrage, mobilization of voters by political parties and party ideology (Dahl, 1961). Pluralist politics involves political actors organizing themselves as individuals or groups that share similar opinions, cultures and economies. The individuals and groups then promote their interests through political mobilization and alliance building in order to influence the intentions of politicians or impact of the government (Jackson & Jackson, 1994).

Pluralist theory defines policies as outcomes of competition between groups and parties (Jackson & Jackson, 1994; Signal, 1998). Powers to change policy are widely dispersed throughout society. In its most extreme form, all individuals and groups are seen as having approximately equal access to the policy-making process, but in reality, this is not the case. Individuals and groups are only able to satisfy their own needs and those of others in moderation based on their own institutions' monetary funding, political skill and experience. Pluralists believe the memberships within and among groups are constantly changing, as are the political issues. Thus, no specific individual or group is consistently at the forefront of the political arena or in a position to hold power over an extended amount of time (Jackson & Jackson, 1994). If this is so, power in pluralism can be defined as the ability to get things done (Dahl, 1961), as well as the ability to stop things getting done (Bachrach & Baratz, 1962).

Pluralism can be used to describe the role that Canadian government played during the review process of Bill C-71. The two reviews of the Bill were organized in such a way that committees of neutral arbitrators (who had no part in the creation of legislation and were not the final decision-making bodies) received input from various external groups. In addition, the committees retained members from all partisan positions. The committees were assigned the tasks of hearing from all stakeholders who wished to state their opinions. Stakeholders participated equally; each was permitted the same amount of time to present their opinion and undergo a question and answer session—an inherently neutral process that allowed for individuals and groups to compete to promote their interests. Upon hearing all stakeholders, the committees prepared reports to provide to the decision-making bodies.

Interest Group Theory

Pluralist theorists inherently created sub-theories to explain how and why interest groups formed (Kimber, 1981; Olson, 1965). Interest groups are a growing phenomenon in modern pluralist society, existing as formal or non-formal groups of persons, business organizations, or other groups that have an interest in shaping and executing government policy in ways fitting with their vested interests (Ziegler & Huelshoff, 1980). This specific area of political theory is elaborated in this chapter in order to provide an understanding of how the tobacco industry is operating as a collective, and how many independent stakeholders within the pluralist political environment of decision-making operate.

Interest group theories are often used to account for the decisions made in government and society. It is believed for any issue or problem there is a number of

actors involved who have a direct interest in that they stand to gain or lose significantly by the decision (Richardson, 1993). The actors involved may be managers of organizations (whose budgets may be affected), private institutions, interest groups, or citizens, for example (Richardson, 1993). It should be noted as well that all of the actors are only interested in influencing public policy and do not seek to occupy the position of authority (Richardson, 1993). Becker (1983) used economic models to argue that the influence of each group is determined by the amount of pressure each group decides to apply. His model, which equated to a zero sum, explained that where one group loses influence, another gains it. Generally, interest group theory examines policy problems and the political activity engaged in by multiple actors to ensure that the processing of that problem is to their advantage (Richardson, 1993).

The lobbying strategy chosen by an interest group depends on the type of group it is, its resources and the type of issues involved. Gatner (1980) argued that Canada's principal interest groups maintained close liaison, via informal discussion, personal letter or formal brief with that part of the Ottawa establishment that affected them most directly. Additionally, he argued that Members of Parliament had become accustomed to relying on interest groups to provide information on particular issues and problems. Further, leaders of interest groups enjoyed establishing close links with existing political and social structures to ensure the protection of their interests (Gatner, 1980).

Jackson and Jackson (1990) argued that creating policy changes must include interest group attempts to influence legislators and the public. They claim that no amount of persuasion (of the government) would be effective unless public opinion was in agreement with a lobby, or at least not hostile to its demands (Jackson & Jackson, 1990).

Furthermore, they considered targeting bureaucracy, Members of Parliament and the Cabinet most effective when legislation was in the gestation stage and probably least effective when the policy concerned was already before Parliament. This is because at that point it is more likely that legislation would be blocked or delayed, rather than changed. Nevertheless, they and others (Presthus, 1974) agreed that the committee review system is another attractive access point for interest groups because the purpose of committees is to gather information—and the ability to use all access points provided within the political system is most important (e.g., with bureaucracy, committees or cabinet during the gestation, introduction or committee stage) for successful change.

When framing the tobacco industry as an interest group, theorists suggest there are two possible outcomes for activity. Kimber (1981) argued that the tobacco industry, as a whole was self-interested, as were the individual members. However, regardless of their competitive differences, the entire tobacco industry would act as a collective in the legislative arena to achieve their common goal. Alternatively, Olson (1965) proposed that the tobacco industry would be subdivided into smaller groups, suggesting that despite a collective interest for the industry to continue in manufacturing and selling tobacco for profit, there are individual interests within a competitive market. And, in this light, each corporation's interest is directly opposed to that of every other corporation (Olson, 1965). Thus, an association or disassociation of membership may be present during the policy process.

Neoliberal Theory

Neoliberal theory describes a prominent way of thinking about how government should think and act within contemporary political environments. In this study, the

political environment was interpreted and understood within “democratic” pluralist theory and “economically competitive” neoliberal theory, as described by economists and political theorists (Carroll & Shaw, 2001; Clark, 2002; Tindal, 2005). The arguments of actors working within the environment, specifically the Liberal Party of Canada (the then-government) and tobacco industry, were interpreted as following neoliberal ideals.

Liberalism originated in the 19th and 20th centuries when a growing class of merchants and industrialists opposed government interference in their operations, agreements and dictates (Heywood, 1992). In modern times, neoliberal policies were used in liberal democracies, such as Canada, from the mid-1970s through the mid-1990s when many countries around the world experienced slow growth, surplus capacity and competitive world markets (Carroll & Shaw, 2001). Neoliberalism was introduced to expand the capitalist market globally and to narrow the political and economic choices of those in power (Carroll & Shaw, 2001).

It is believed that there are three central tenants of neoliberalism: individualism, egalitarianism and free market economies (Browne, 2001). Individualism conceptualizes humans as separate, rational agents who can be abstracted from their social, economic, political or historical context (Browne, 2001). The tenant of individualism places individual interests above those of the social whole. Thus, it is understood that each individual is capable of competing for limited resources—where some will win and some lose (Browne, 2001). The second tenant, egalitarianism, can be understood relative to individualism as each individual has an equal chance to succeed or fail in society. This equal opportunity to succeed or fail is proposed to lead to a just society to judge in which individuals are judged, and succeed or fail, solely based on their skills, abilities and

talents (Browne, 2001). Egalitarianism is linked to individual freedom, defined as the ability of individuals to be free to pursue their goals and ideals, regardless of differing opinions—so long as the individual is not interfering with the freedom of others (Browne, 2001). The free market can be described as a naturally harmonious, self-regulating and competitive market that includes corporations, employers, workers and consumers (Heywood, 1992). It is argued that free market forces (economic decisions void of government interference) should resolve economic problems such as unemployment, inflation and economic recessions (Browne, 2001).

Neoliberal practices of governing are easily identified within the Canadian political and economic arenas, starting in the 1980s when the Canadian economy was burdened with inflation, unemployment and an increasing pressure to accommodate business interests (Tindal, 2005). The federal government decentralized and downloaded responsibilities to the provinces as a means to decrease federal expenditures and the national debt and deficit (Tindal, 2005). It was anticipated that the examination of texts would demonstrate the tobacco industry as a private sector, profit-seeking entity with global interests that benefited from the lack of tobacco control policy before Bill C-71 and thus fought hard in the face of them being stripped away during increased government regulation.

Summary

This first part of the chapter elaborated on operational definitions of public policy and government and provided theoretical links to explain the context of Canadian government and the tobacco industry. The following section will provide for a deeper

understanding of the characterization of the tobacco industry in Canada as well as throughout the world.

Part Two: Contemporary Federal Sociopolitical and Tobacco Control Context

The second part of the chapter examines the contextual factors that were interpreted by the researcher to have influenced government and stakeholder decision making during the policy cycle of Bill C-71. One of the two primary factors was the neoliberal economic approach taken by the new federal government in the early 1990s in an attempt to recover from a recessionary period. The second factor was tobacco legislation leading to the implementation of the Tobacco Act, specifically affected by the 1995 Supreme Court of Canada strike down of the first comprehensive tobacco legislation put forth. Details surrounding each of the influential factors follow to provide a context within which to interpret the findings of this study.

Neoliberal economic approaches

In 1993, the newly elected Liberal Party of Canada (the “Liberals”) focused on an integrated and coherent approach to economic, social, environmental, and foreign policy (Clarkson, 2005). In the party’s election platform, entitled *Creating Opportunity: The Liberal Plan for Canada* (a.k.a. The “Red Book”), the Liberals suggested economic growth would solve “the five major interrelated problems facing the Canadian economy of today: lack of growth, high unemployment, high long-term real interest rates, too high levels of foreign indebtedness, and excessive government debt and deficits” (Liberal Party of Canada [LPC], 1993, p. 14). Initiatives were driven by the 1982 and 1990 economic recessions that led to significant declines in the economy’s output, a fall in employment, a rise in unemployment and a decline in the standard of living of the

average citizen (Riddell, 1985; Riddell & Ferrer, 2002). The two recessionary periods resulted in prolonged cyclical unemployment at a 20-year high by the early to mid-1990s (Chossudovsky, 1997; Riddell & Ferrer, 2002). With this in mind, the Liberals attached a dollar value to each of their planned actions in the Red Book—almost all aimed at reducing the fiscal deficit to three percent of the Gross Domestic Product (GDP) by 1996 from the current eight percent (LPC, 1993). The Liberals promised cuts, focusing on the unpopular and expensive plan to buy new military helicopters. They also promised many changes that never came to fruition, such as the elimination of the unpopular goods and services tax (GST) and the North American Free Trade Agreement (NAFTA) that had been introduced by the Progressive Conservative Party while in power (LPC, 1993). Plans were additionally drawn to introduce a limited public works program and a national childcare program, which never occurred. Lastly, the Red Book broadly supported and promised multi-year funding to arts and cultural activities—again, which did not continue.

Further economic policy changes took place that were aligned with neoliberal approaches to government. These included: privatizing industries for economic growth, maintaining low inflation (zero inflation) and price stability, decreasing the size of state government, implementing regressive tax reforms, reducing the debt and deficit, dismantling of social services, and opening trade markets (Carroll & Shaw, 2001; Clark, 2002; Hoberg, 2000; Tindal, 2005). The neoliberal approaches were also seen to have translated to some provincial governments, particularly in Quebec, where social funding was decreased. Quebec's increased differentiation from central government was said to have led to a near separation from Canada in a 1995 referendum (Chossudovsky, 1997).

The neoliberal emphasis on decreased state regulation was interpreted to have affected the tobacco industry as well. In the early 1990s, Canada's big three tobacco manufacturers—Imperial Tobacco Incorporated, RJR-Macdonald Incorporated (now JTI-Macdonald Incorporated) and Rothmans, Benson & Hedges Limited began exporting tobacco to the United States and smuggling it back through illegal channels on First Nations reservations to evade paying Canadian taxes (NSRA, 2007). By 1994, the contraband market had grown to consume a large portion of the retail market. As a result, the federal government, as well as five provincial governments, drastically cut tobacco taxes, and consequently the price of retail tobacco was cut in half to curb the illegal market (Galbraith & Kaiserman, 1997; Health Canada, 1995). However, reduction of taxes as a reaction to the smuggling increased domestic cigarette sales by over 15 billion in only one year, and tobacco consumption increased as a result (Health Canada, 2003).

Tobacco legislation leading to Bill C-71

The legislative predecessor to Bill C-71, the *Tobacco Products Control Act* (TPCA) or Bill C-51, was enacted in January 1989 to ban the advertising and restrict the promotion of tobacco products, as well as to require that prominent and legible health messages and toxic constituent information appear on tobacco products (Health Canada, 1995). Upon introduction of the TPCA, Canada's third largest multinational subsidiary, RJR-Macdonald Corporation (now JTI-Macdonald Corporation), challenged the TPCA arguing that it was unconstitutional and contrary to the freedom of expression protected by the *Canadian Charter of Rights and Freedoms* (1982) (the "Charter"), as well as outside of Parliamentary jurisdiction (Health Canada, 1995; *RJR-Macdonald v. Canada* (Attorney General), [1997] 3 S.C.R. 199). In July 1991, the Quebec Superior Court ruled

in favour of the tobacco companies; however the Quebec Court of Appeal reversed the Superior Court decision in January 1993, ruling that the Act was within Parliament's jurisdiction under the peace, order and good government (POGG) power and was a reasonable limit on freedom of expression (Health Canada, 1995; Canada (Attorney General) v. JTI-Macdonald, [2007] S.C.C. 30, [2007] 2 S.C.R. 610). The outcome of the Supreme Court of Canada trial, in a five to four majority, ruled in favour of the tobacco industry, stating the government failed to provide sufficient evidence to justify the limitations under section one of the *Charter*.

Within three months of the Supreme Court decision, the Minister of Health and National Welfare, Diane Marleau, pledged to fill the gap in legislation and issued *Tobacco Control: A Blueprint to Protect the Health of Canadians* (the "Blueprint"). The document, created due to increasing health group and public pressure, was intended: "to review the changed environment surrounding tobacco control efforts, to set out the issues arising from the Supreme Court ruling and to outline the legislative direction the government wishes to take" (Health Canada, 1995, p. 5). The Blueprint called for a ban on advertising, restrictions on sponsorship, restrictions on access and proposed regulatory amendments to follow (Health Canada, 1995). Government shuffled the cabinet positions in January 1996 and David Dingwall replaced Marleau (Parliament of Canada, n.d.). Dingwall specifically framed the Bill as a health bill which aimed to: a) protect the health of Canadians in light of conclusive evidence implicating tobacco use in the incidence of numerous debilitating and fatal diseases; b) protect young persons and others from inducements to use tobacco products and the consequent dependence on them; c) protect the health of young persons by restricting access to tobacco products; and d) enhance

public awareness of the health hazards of using tobacco products (*Tobacco Act*, [1997], S.C., c. 13).

Dingwall further recognized that Bill C-71 imposed limits on free expression, but was certain that those limits were demonstrably justified under section one of the *Charter* due to new evidence, including: the release of industry documents that increased understanding of the means by which tobacco manufacturers seek to advertise and promote their products; and by new scientific insights into the nature of tobacco addiction and its consequences (*Canada (Attorney General) v. JTI- Macdonald Corp.*, 2007). Dingwall also justified its introduction by stating that tobacco products were recognized as hazardous and addictive, 6.5 million Canadians aged 15 or over used tobacco on a daily basis and an approximate 40,000 Canadians were dying annually of smoking-attributable causes (Health Canada, 1995; Canada. Parliament. Standing Committee on Health, *Evidence of the Committee*, Meeting No. 25, December 6 1996).

The timing of the introduction of the bill was a major concern for all stakeholders. Bill C-71 was introduced in the House of Commons on December 3, 1996 and only two days later it was referred to the House of Commons Standing Committee on Health (the “Health Committee”). Table 1 provides an outline of the progress of legislation.

Table 1

Progress of legislation for Bill C-71, The Tobacco Act

Legislative Action	Date - House of Commons	Date - Senate
Introduced and read the first time	December 2, 1996	March 10, 1997
Debated at second reading; read the second time and referred to committees	December 5, 1996	March 13, 1997
Committee Hearings	December 6, 9, 10, 1996	March 19, 20, 1997 April 1, 2, 3, 7, 9, 1997
Reported with amendments (Sessional Paper No. 8510-352-68)	December 11, 1996	April 15, 1997
Debated at report stage	February 21, 1997	
Time allocation at report stage and third reading – Notice	March 3, 1997	
Time allocation at report stage and third reading – Adopted	March 4, 1997	
Debated at report stage; concurred in at report stage with further amendments	March 4, 1997	
Debated at third reading; read the third time and passed	March 6, 1997	April 16, 1997
Royal Assent (Chapter No. 13)	April 25, 1997	

Health Canada and health organizations wanted the legislation passed as soon as possible (i.e., before the House of Parliament rose for holidays), and asked stakeholders to fax their concerns; however, tobacco industry representatives and opposition members of government complained that they needed additional time to review the Bill (Canada. Parliament. House of Commons. Standing Committee on Health, *Evidence of the*

Committee, Meeting No. 25 and 26, December 6, 9 1996). The Chair of the Committee denied stakeholder claims that the period of legislation was rushed by suggesting that the Blueprint had been released for over one year and proceedings would continue as planned (Canada. Parliament. House of Commons. Standing Committee on Health, *Evidence of the Committee*, Meeting No. 25, December 6 1996). Nonetheless, Health Committee hearings were extended from two to three days and the third reading was delayed until the New Year. During the holiday season, the industry launched a month-long print and radio media campaign that focused on sponsorship issues, regulations versus bans, the constitutional issue of freedom of commercial expression, and the loss of thousands of jobs and millions of dollars from tourism (Griscom, 1997; Spurgeon, 1997). The Canadian Tobacco Manufacturer's Council lobbied to gain the rights to produce "reasonable" amendments to the Health Committee (Griscom, 1997). In addition, groups such as the Coalition for Commercial Freedom of Speech were created to defend stakeholders' rights to advertise (Griscom, 1997). Despite the activity occurring in media, David Dingwall said that he would not be "blackmailed" into backing down, but he admitted that he was looking at amendments to the legislation (Spurgeon, 1997, p. 535).

At the third reading in the House, the Bloc Québécois, the Official Opposition, opposed the sponsorship provisions. They claimed the government had "sabotaged" the Health Committee hearings, in which Bloc members had explicitly agreed with the tobacco industry position on the controversial issue of tobacco advertising, stating, "We in the Official Opposition share your opinion that advertising in adult events does not have the effect of increasing smoking among young people" (Canada. Parliament. House of Commons. Standing Committee on Health, *Evidence of the Committee*, Meeting No.

26, December 9, 1996, p. 8). Members of Parliament argued that significant economic impacts created jobs in their ridings, and suggested drawing on the Australian model of exceptions to racing events. Additionally, every Government Cabinet Minister indicated lack of support for the entire Bill (Micay, 1999). It was speculated by media that their opposition could have been tied to the Liberal's past appointments on tobacco company boards and continued monetary donations. The Liberals were recipients of \$155,500 between 1994 and 1995, and many ministers themselves had received individual donations from industry executives (Gray, 1997). It became a strong possibility that the Bill would not make it through the legislative process before the end of the parliamentary session, at which point, the legislation would die on the Order Paper (Micay, 1999). Many observers viewed the situation "as another Liberal tactic designed to delay their tobacco crackdown until after the next election because they did not want to risk any Quebec votes" (Gray, 1997, p. 239). However, Dingwall suggested that the public not vote for the Liberal Party of Canada in the next federal election if the Bill was not passed (Micay, 1999). It was not until Dr. Grant Hill, a Reform Party Member of Parliament, spoke out about how the industry had contacted him offering a bribe that the sentiment toward the Bill changed among Members of Parliament. At that point the political drive became strong enough to pass the bill in the House—still without a single favourable vote from the Cabinet (Micay, 1999).

The Senate then reviewed the Bill opting to discuss possible sponsorship solutions, probably due to the fact that seven of the 18 total Senators involved were from Quebec, almost all from Montreal. Additionally, the 10 Liberal Party-appointed members were much less forceful about following party discipline encouraged within the House of

Commons. Thus, it appeared that the issues of sponsorship, and Quebecois culture specifically dominated discussions, not health; however, the impending closure of session was a huge impediment to a more extensive review. The Bill was eventually passed before closure, permitting an extended grace period in which tobacco company sponsorship of events could take place until October 1, 1998.

Part Three: The tobacco industry as a stakeholder

The third part of the literature review examines international tobacco industry behaviour and practices identified as tactics (actions or inactions that are employed to encourage or prevent changes in public policy) (Tindal, 2005). A computerized search of Medline-OVID and Social Sciences Citation Index, using the keywords: "tobacco industry"; "tobacco industry tactics"; "tobacco industry sponsorship"; and "tobacco industry media" was conducted. As well, relevant academic and gray literature was obtained from resources collected by faculty members conducting research in the area of tobacco control. Reference lists from retrieved articles were also reviewed for possible articles.

General Tactics

Saloojee and Dagli (2000) conducted an international study based on 50 years of internal tobacco industry documents released during the United States' tobacco trials. The authors suggested that tobacco industry tactics began in the 1950s, in the United States, when concerns were voiced surrounding the new evidence of the link between smoking and disease by medical researchers. Internal industry documents revealed that tobacco companies immediately joined together to calm public fears and preserve company profits, with no intention of protecting the public. The researchers claimed that the

tobacco industry had used money, early action on potential problem areas, alliances, and front groups to resist restrictive legislation and to align national and international laws to gain greater corporate rights and reduce corporate responsibilities (Saloojee & Dagli, 2000). Additionally, the act of manufacturing doubt was described as a tactic that involved tobacco companies meeting with scientists around the world to “keep the environmental tobacco smoke controversy alive” (Saloojee & Dagli, 2000, p. 4). Other tactics involved taking the tobacco debate away from health using neoliberal ideologies about freedom of speech and choice and creating a theme of rejection of overly involved state governance (Saloojee & Dagli, 2000). Interestingly, Saloojee and Dagli (2000) were among the very few researchers who discussed face-to-face discussions as tactics. They described discussions as the most basic lobbying countermeasure, involving legislators and their staff and the lobbyists of other industries who might be converted into temporary allies when pieces of legislation are considered by law-making groups (Saloojee & Dagli, 2000). Specific tactics and their goals identified from within the internal tobacco industry documents are noted in Table 2.

Table 2

Summary of Tobacco Industry Tactics (Saloojee & Dagli, 2000)

Tactic	Goal
Intelligence gathering	To monitor opponents and social trends in order to anticipate future challenges
Public relations	To mould public opinion, using the media to promote positions favourable to the industry
Political funding	To use campaign contributions to win votes and legislative favours from politicians
Lobbying	To make deals and influence political processes
Consultancy programme	To recruit supposedly independent experts critical of tobacco control measures
Smokers' rights groups	To create an impression of spontaneous, grassroots public support
Creating alliances	To mobilize farmers, retailers and advertising agencies with a view to influencing legislation
Intimidation	To use legal and economic power as a means of harassing and frightening opponents
Philanthropy	To buy friends and social respectability from arts, sports and cultural groups
Litigation	To challenge laws
Bribery	To corrupt political systems so that the industry can bypass the law
Smuggling	To undermine tobacco excise tax policies and thereby increase profits
International treaties	To use trade agreements to force entry into closed markets
Joint manufacturing agreements	To form joint ventures with state monopolies and subsequently pressurize governments to privatize monopolies

A similar exhaustive review of tactics was conducted in the United States asking tobacco control experts (individuals with years of experience opposing tactics) what they

had encountered (Trochim et al., 2003). Experts responded to the statement 'One specific activity/tactic the tobacco industry uses to oppose tobacco control [in the United States] is...' (Trochim et al., 2003, p. 141). Researchers identified eight main categories of tactics drawn from the 224 experts' statements, ranked in importance as: 1) lobbying and legislative strategies; 2) legal and economic intimidation; 3) usurping the agenda; 4) creating illusion of support; 5) harassment; 6) undermining science; 7) media manipulation; and 8) public relations campaigns (Trochim et al., 2003).

A wide array of tactics presented themselves in the literature. To gain a broad understanding a general overview of tactics was examined. Three areas of tactics that were perceived to be specifically relevant to the study were explored in depth. These areas included: 1) tobacco industry research; 2) tobacco industry sponsorship of organizations to gain allies; and 3) tobacco industry impeding the legislative processes. It was thought that an in-depth review of these tactics would assist in the recognition of discursive tactics in the analysis phase of this research, as few known studies focus specifically on direct contact with legislators in parliamentary hearings.

Tobacco industry research

The industry developed tactics during the 1950s to refute scientific data that linked tobacco and disease, and the very same tactics were used to refute data about secondhand smoke exposure from the 1970s to the 1990s (Bero, 2005). Former secret internal documents revealed that the goals of decades of research were specifically to: delay societal rejection of smoking, secondhand smoke, and acceptance of smoking restrictions; encourage smokers to take action to protect their rights; and mobilize public opinion (Carador, Hazan, & Glantz, 1995). One such example included the industry

implementing the Social Costs/Social Values project (1979-1989) to influence public beliefs about smoking (Landman, Cortese, & Glantz, 2008). The project used non-health based, pro-tobacco arguments created by social scientists who did not acknowledge their link with the tobacco industry (Landman, Cortese, & Glantz, 2008).

Research Boards. One of the earliest documented tactics in the United States was the establishment of the Tobacco Industry Research Council (TIRC) by the tobacco industry in 1954 (Saloojee & Dagli, 2000). The research council was created as a public relations tool to reassure the public that the industry could responsibly investigate smoke and health issues related to tobacco. Instead of supporting genuine research, Saloojee and Dagli (2000) indicated that the TIRC spent millions of dollars publicizing research purporting to prove that tobacco did not cause cancer. The researchers revealed via examination of internal industry documents that the true purpose of the research council was to deliberately confuse the public about the risks of smoking (Saloojee & Dagli, 2000). Similarly, the Scientific Advisory Board was intentionally created to reinforce doubt in the public's mind about whether smoking was harmful and a cause of disease (Warner, 1991). In 1998, the Master Settlement Agreement imposed restrictions on relationships between tobacco industry and academia. However, to evade new regulations, the industry separated and new research organizations emerged connected to specific tobacco companies, and not the industry as a whole, as in the past (Jenkins, 2007; Schick & Glantz, 2007).

Strategies to skew research. Bero (2005) argued that six strategies dominated in attempts to skew research, including: 1) funding research that supports the tobacco industry position; 2) publishing research that supports the tobacco industry position

(because research has little impact unless it can be cited); 3) suppressing research that does not support the tobacco industry; 4) criticizing research that does not support the tobacco industry position; 5) disseminating tobacco industry data or interpretation of risk in the lay press; and 6) presenting tobacco industry data or interpretation of risk directly to policy makers.

Examples of Bero's (2005) cited strategies were widely available in literature. For example, Callard, Thompson, and Collishaw (2005) determined Canada's Imperial Tobacco's Montreal laboratory funded their own research favourable to its position in the 1960s. The laboratory had discovered second-hand smoke was as dangerous as inhaled smoke. However, like many other tobacco companies conducting similar research across North America, scientists were paid by tobacco companies to create confusion surrounding their scientific evidence, as well as link cases of disease to sick building syndrome (Callard, Thompson, & Collishaw, 2005). Moreover, researchers reported that Philip Morris designed, funded, conducted, and controlled the presentation of results on cabin air quality for the Scandinavian Airline, SAS, in 1988 (Neilson & Glantz, 2004). Industry lawyers and scientists reportedly first deleted unfavourable results before presenting to the airline; then, downplayed results and ignored health implications in publication. The final paper promoted the industry position that ventilation could solve problems caused by secondhand smoke (Neilson & Glantz, 2004). Another study found large discrepancies in tar yield studies conducted by British American Tobacco (BAT). BAT's study first measured tar yields using machines, followed by consumer's hands. When results determined that tar yields were much higher in the latter study the company continued to market the cigarettes as low tar and nicotine tobacco products for health-

concerned smokers (Hammond, Collishaw, & Callard, 2006). Similarly, the Scottish Licensed Trade Association (an ally of the tobacco industry) published misleading evidence that suggested there was no difference in air quality between non-smoking and smoking pubs with the use of ventilation (Brotchie, 2005).

In addition to Bero's (2005) tactics, it was also found that scientific and medical consultants created research studies, which by nature, were not able to achieve significant results (to avoid claims of statistical invalidity) and provided vague information about research methods in publications (Trochim et al., 2003). Additionally, Bidell, Furlong, Dunn and Koegler (2000) suggested that the tobacco industry lobby warned retailers about test purchasing 'stings' (by government or health inspectors) when retailer behaviour regarding sales to minors was measured during US debates on limiting self-service tobacco displays. Furthermore, reports also indicated that industry-sponsored research was infrequently released (e.g., the discovery of fire-safe cigarettes) to protect the marketability of popular brands (Gunja, Wayne, Landman, Connolly, & McGuire, 2002). Cummings, Sciandra, Gingrass, and Davis (1991) surveyed Council for Tobacco Research (CTR) researchers to determine their beliefs about the addictiveness of tobacco. The report revealed that the majority of CTR researchers (who were all funded by the tobacco industry) personally believed that cigarette smoking was addictive and caused many serious and frequently fatal diseases, but never publicized these positions in any tobacco industry research (Cummings, Sciandra, Gingrass, & Davis, 1991). Tobacco companies also used the tactic of hiding behind outside researchers who presented neutral papers as vehicles of influence at conferences (Muggli & Hurt, 2003). Muggli and Hurt (2003) emphasized the power of the tactic as they argued Philip Morris and British

American Tobacco had almost successfully changed the complete nature and tone of the 8th World Conference on Tobacco or Health.

Finally, Neuman, Bitton, and Glantz (2005) argued that tobacco companies also used researchers to change policy. They provided the example of when prominent US psychiatrists and researchers (paid by the tobacco industry) made public statements and privately lobbied the editors of the Diagnostic and Statistical Manual (DSM) and high ranking American Psychiatric Association (APA) officers to narrow the definition of smoking in the DSM. Instead of naming smoking an addiction, DSM settled with “compulsive smoking syndrome” (Neuman, Bitton, & Glantz, 2005).

Tobacco company sponsorship

The literature discusses multiple instances of the tobacco industry sponsoring events or organizations. Researchers have argued that the sponsorship of groups was self-interested. Three methods of sponsorship are discussed below.

Sponsoring groups to gain public support. Johnson, Wine, Zack, Zimmer, Wang, Weitzel-O'Neill, et al. (2008) found that tobacco companies invested in African American cultural events to enhance the industry's image. Cultural events included: ethnic festivals, jazz music concerts and festivals, scholarship programs and product giveaways. Partnerships were also created, focusing on collaborations with prominent community groups such as the National Association for the Advancement of Colored People, National Urban League, and National Coalition of 100 Black Women (Johnson et al., 2008). Yerger and Malone (2002) found similar results in their studies and additionally suggested that the affiliations were made to gain smokers and ignore negative health effects.

Additionally, tobacco companies, Philip Morris and Brown and Williamson, promoted a Life Skills Training Program (LST), a school-based drug prevention program in operation with The Centers for Disease Control and Prevention throughout the 1990s. Researchers believed that the reason PM and B&W created a role for themselves was as a public relations strategy to encourage the public to view tobacco companies as partners against youth smoking (Mandel, Bialous, & Glantz, 2006).

Sponsoring group activity to gain allies. The tobacco industry sought out natural allies in debates, such as: the Scottish Licensed Trade Association during Scottish smoke-free legislation (Brotchie, 2005); the airline industry during tobacco legislation banning smoking on airplanes (Lopipero & Bero, 2006); and firefighters' unions during fire-safe cigarette legislation in the US Congress (Barbeau, Kelder, Ahmed, Mantuefel, & Balbach, 2005). Furthermore, Philip Morris recruited journalists through an independent media consultant, financially supported internships at National Journalism Center, and worked with journalists at industry sponsored think tanks to gain journalists as allies during the authorship of a crucial US report on environmental tobacco smoke (ETS) (Muggli, Hurt, & Becker, 2004). The funding resulted in several articles criticizing ETS in media during the Environmental Protection Agency review (Muggli, Hurt, & Becker, 2004).

Other instances of sponsorship included the tobacco industry financing fake coalitions from organizations such as the Children's Research Unit, the Smokers' Freedom Society, INFOTAB, the World Federation of Advertising, and Freedom of the Right to Enjoy Smoking Tobacco (FOREST) (Callard et al., 2005). In the United Kingdom, FOREST was paid 'to persuade opinion formers to listen to public opinion and

reject calls for a ban on smoking in all public places', especially at a time when opinions on smoking in bars and pubs were even on both sides (Arnott, Dockrell, Sandford, & Willmore, 2008, p. 427). The US-based National Smokers Alliance (NSA), advocated against regulation and tax increases starting in the 1990s (Givel, 2007). It was argued that the alliance's counter-mobilization used the molding of public opinion to support client's preferred public policy outputs (Givel, 2007). In addition, researchers reported a 20-year collaboration between the industry-funded Massachusetts Restaurant Association and the tobacco industry to defeat state and local laws on smoke-free public places (Ritch & Begay, 2001). Lastly, Givel and Glantz (2001) also presented data showing that the US tobacco industry relied heavily on smokers' rights groups, restaurant, bar, hotel, and motel associations during tobacco legislation developments in the 1990s. Interestingly, Philip Morris's (PM) internal documents explained that the company additionally gave substantial campaign contributions to potential elected officials, leadership committees and business political action committees to maintain the ability to present PM's point of view (Givel & Glantz, 2001).

Sports and arts sponsorship. Rosenberg and Siegel (2001) reported tobacco corporate sponsorship had increased by hundreds of millions of dollars between 1995 and 1999 in the US, with a total of \$365 million spent (\$208 alone on motor sports). Most of the funding was spent on performing arts, motor sports, rodeo, domestic violence, hunger, and minority groups. In their study, they found corporate sponsorships and donations had generally been named *cause related marketing* by companies. The purpose of this type of marketing was to: enhance corporate image; avoid negative publicity; calm consumer groups; launch a new product or brand; broaden their customer base; and

generate incremental sales (Rosenberg & Siegel, 2001).

In his article, Chapman (2002) highlighted the immorality of tobacco industry advertising and sponsorship targeted at children in automotive racing. He specifically challenged tobacco industry claims that someone would take up "smoking after seeing the word 'Marlboro' painted on a car or a Lucky Strike billboard?" and "It's only directed at adult smokers. Tobacco companies don't want kids to smoke" (Chapman, 2002, p. 87) using the Japanese Yamaha motorcycle team as his argument. The team, he argued, was sponsored at the time by PlayStation, a children's electronic game, as well as by Chesterfield, the "adult's" cigarette—a conflict, in his opinion (Chapman, 2002, p. 87).

Similarly intrigued by the presence of sponsorship, Dewhirst and Hunter (2002) studied the presence of tobacco industry logos and names in the 1989 Championship Auto Racing Teams season. They reported that Marlboro received nearly 3.5 hours of in-focus television exposure and was seen or mentioned 5933 times—equivalent to what would have cost the company over \$400 million. The researchers also emphasized the positive symbolic imagery that was created of tobacco as it was surrounded by other products, such as the Swiss luxury watch brand TAG Heuer (Dewhirst & Hunter, 2002). In another article, Dewhirst argued that Export "A" Inc. intentionally sponsored risk-taking activities including mountain biking, couloir skiing, and wild water kayaking. The three individual sports channeled the independent nature of the Export "A" smoker. Finally, Dewhirst (1999) also argued that the Matinée Fashion Foundation was created specifically to associate smoking with thinness.

In closing, Chapman (2002) offered that sponsorship existed because it kept brand names in front of a large audience and powerfully distracted from all negative health

effects, such as cancer. He further suggested that sponsorship made politicians slaves to getting and retaining grand prix events in their cities. And most importantly, sponsorship provided tobacco companies opportunities to imply that they were exciting, respectable, and socially accepted (Chapman, 2002).

Legislative Processes involving the Tobacco Industry

Recent studies demonstrated a move in North American tobacco industry tactics towards the legislative arena, as other possible areas, such as advertising and sponsorship had become restricted by legislation (Stillman et al., 2008; Trochim et al., 2003). The top-ranked tactics overall included: 1) devoting considerable resources to legal fights; 2) writing and pushing pre-emptive legislation at state level; 3) creating loopholes in laws and agreement to allow business as usual; 4) using legal and constitutional challenges to undermine federal, state and local legislative and regulatory initiatives; and 5) contributing funds to political groups at federal, state and local level, to support industry goals (Trochim et al., 2003).

The Canadian Experience. In 1963, the newly formed Canadian Tobacco Manufacturers' Council (CTMC) became the first documented coalition to actively oppose tobacco control policy making in Canada (Alberta Alcohol and Drug Abuse Commission [AADAC], 2006). During 1969 parliamentary hearings, the heads of Canadian tobacco companies aligned under the title *Ad Hoc Committee of the Canadian Tobacco Industry*, where they argued that cigarettes were blamed for every ailment with which they may be statistically associated (Cunningham, 1996). In an oral presentation, Pierre Paré, one of the industry executives, referenced the millions of persons he claimed to be representing, stating that any legislation was “a disservice to those millions who

enjoy smoking to be constantly assaulted with some of the extreme and unsubstantiated propaganda that is spread about the so-called evils of smoking" (Paré, P. in Cunningham, 1996, p. 56). Additionally, the industry described that in small quantities, smoking improved concentration and had a stimulative effect; in larger quantities, smoking was relaxing; and smoking helped with weight control (Cunningham, 1996). Furthermore, tobacco companies argued health warnings on tobacco packages might be counterproductive and encourage rebellious youth to smoke (Cunningham, 1996). The following year, as public concern about the safety of tobacco increased, the Canadian government prepared and tabled legislation that would have led to the adoption of a health-warning message, toxic constituent information on packaging and restriction of television and radio advertising of tobacco products; instead, the Canadian tobacco industry convinced the government to agree to a voluntary code (Health Canada, 1995).

By the 1980s, the federal government became convinced that more stringent legislative control was required; however, the industry was relentless in their attacks on legislation (Health Canada, 1995). When the Tobacco Products Control Act (TPCA) was introduced in 1987, Members of Parliament received thousands of letters of protest from a large number of people who presented themselves as ordinary citizens. Various texts, fonts, styles, and paper stocks were used to create what seemed like a true grassroots protest, instead of an industry-organized effort (Callard et al., 2005). The industry lobbied individual Members of Parliament not to kill the bill, but to have the bill reduced in priority so as to delay its legislation. As a result, the initial proposal to ban almost all forms of tobacco advertising was weakened when it was adopted by Parliament the following year (Callard et al., 2005). Jake Epp, the Health Minister who introduced the

bill, wrote in Cunningham's (1996) book, "even though the bill enjoyed all-party support in Parliament and strong public approval, it was 14 months before the bill received Royal Assent, surely convincing evidence of the industry's tactical abilities" (p. vii).

After the TPCA came into effect, tobacco companies exploited all possible loopholes, weakening the advertising ban by shifting money into sponsorship promotions, which portrayed lifestyle advertising, a type of advertising targeted to be eliminated by Parliament (Epp, J. in R. Cunningham, 1996; Canada. Parliament. House of Commons. Standing Committee on Health, *Evidence of the Committee*, No. 26, December 10 1996). The TPCA also introduced mandatory health warnings on tobacco product packaging. During the trial, *Canada (Crown Attorney) v. RJR-Macdonald* (1995), implementation was delayed, and then the industry argued that it would take a minimum of one year to effect the changes in the packaging. However, during this time, the industry spent only one-third of the allotted time making changes and two-thirds waiting for a decision from the Court to delay the warnings (Mahood, 1995). After English packages were printed, the industry agreed that it would take only three months to make all desired language changes as long as the warning labels remained at the bottom of the package and in the colours of the packaging (Mahood, 1995). When health warnings came into circulation, stickers were produced by a number of companies to cover the warnings (Mahood, 1995).

International Tactics. Tactics similar to those in Canada have appeared internationally. For example, Bialous and Glantz (2002) surveyed the industry's behaviour during the development of United States federal ventilation standards—a process that took over 20 years. The researchers argued that the industry successfully influenced the standard using consultants and allies and continued to attempt to change

the standard from a smoke-free framework into an "accommodation" framework, where the tobacco industry argued that the accommodations industry would suffer (Bialous & Glantz, 2002). Similarly, as discussed, the UK tobacco industry aligned itself with the hospitality industry to win over legislators (Arnott, Dockrell, Sandford, & Willmore, 2007).

Muggli, Hurt, and Repace (2004) claimed the tobacco industry attempted to derail the 1993 Environmental Protection Agency (EPA) risk assessment on environmental tobacco smoke (ETS). The industry lobbied the Bush Administration to change risk assessment standards, which consequently delayed the EPA report on the issue. Then, the industry argued that the Occupational Safety and Health Administration should have had the jurisdiction of ETS, not the EPA—if accepted this action would have eliminated the release of the report (Muggli, Hurt, & Repace, 2004). When the industry encountered difficulty during the debates, it publicly applied political pressure alleging that the EPA was practicing improper procedure and policy. Interestingly, the Bush Administration—who is internationally criticized for their lack of tobacco control measures—was found to be working with Phillip Morris to slow regulatory burden (Muggli, Hurt, & Repace, 2004).

Researchers also examined individual legislator behaviour and suggested that support for tobacco control regulations was lower among current smokers, those with tobacco industry jobs in their ridings and those who were generally opposed to a government role in health promotion (Cohen, de Guia, Ashley, Ferrence, Northrup, & Studlar, 2002). Furthermore, Begay, Traynor, and Glantz (1993), determined that as tobacco industry expenditure on individual legislators increased, those legislators support

for tobacco education programs in California decreased (Begay, Traynor, & Glantz, 1993).

The industry was also linked to the creation of false problems in government. Joossens and Raw (1995) determined that when European governments became aware of the possibility of tobacco smuggling across the open borders in the EU, the tobacco industry stepped in with a lobbying campaign targeted at legislators to immediately decrease tobacco taxes (despite there being no such problem as of yet) (Joossens & Raw, 1995). The researchers argued the unnecessary attack offered only one solution-linked to increased tobacco sales.

When being argued in the legal courts, Moore and Mikhail (1996) demonstrated that the tobacco industry intentionally wore down opponents through delay and intimidation, created doubt about sciences, and wrongfully invoked the attorney-client privilege against disclosure of incriminating evidence during United States litigation trials.

Sebrie, Barnoya, Pérez-Stable, and Glantz (2005) reviewed internal tobacco industry documents and determined that transnational tobacco companies operating in Argentina had been introducing weak voluntary self-regulating codes to subvert strong legislated restrictions since the early 1970s. Saloojee and Dagli (2000) suggested that tobacco companies do this because “[i]t has the double advantage of making the industry seem to understand the problem and of depicting proponents of the law as well-meaning but misguided.” (p. 904) Sebrie et al. (2005) reported this practice only ended when Argentina signed into an international agreement. Furthermore, in the 1970s, German policymakers were aware of the harms of tobacco, however, the tobacco manufacturers

organization worked closely with selected scientists, health professionals, and policymakers to block regulation of secondhand smoke (Bornhauser, McCarthy, & Glantz, 2006). Meneses-Gonzalez, Marquez-Serrano, Sepulveda-Amor, and Hernandez-Avila (2002) reported similar interventions by the industry in Mexico, as tobacco companies created counter-health advertisements to preserve smoking as a lifestyle of the population. Additionally, Knight and Chapman (2004) determined that the tobacco industry in Hong Kong had manipulated the policymaking process and delayed the introduction of tobacco control legislation in Hong Kong since at least 1973. Researchers found statements such as “[b]y opening dialogue, followed by a few major concessions, the industry can be saved from heavy legislation” in the industry documents (Knight & Chapman, 2004, p. ii16), which illustrated that voluntary concessions had been agreed upon between the tobacco industry and the government. Sebie et al. (2005) found that even though not all voluntary concessions were approved, these bills served to distract political and public attention so that all efforts at tobacco control legislation were neutralized.

Lastly, Monardi and Glantz (1998) examined local-level decision-making because of the spread of local ordinances on tobacco control across the United States (US). The researchers found that the tobacco industry had not had much success in undermining legislation at the local level because local politicians were more likely to be influenced by local citizens’ concerns (Monardi & Glantz, 1998). Monardi and Glantz (1998) suggest that, instead, the tobacco industry turned to state legislatures to lobby for weak statewide preemptive laws that would overturn and prevent stronger tobacco control ordinances at local levels.

Summary

This review of literature provides insight into the tactics that have been practiced in Canada and internationally. It also demonstrates that further inquiry is necessary into discursive tactics, which were not found to be specifically discussed in literature. These will be increasingly important as governments in developing countries continue introducing legislation that will make illegal the many possible tactics in advertising and retail arenas, for example; and as tactics increasingly move into the legislative arena (i.e., direct discussion with policymakers) (Stillman et al., 2008).

CHAPTER 3

Methods

Introduction

The following chapter describes the research paradigm and design, analytical method, sampling technique, and document sample used in this study. As well, the development of the data analysis tool and process of analysis are described, making explicit links with the research questions of this study: 1) How were smoking and tobacco discussed in texts?; and 2) What discursive tactics were used by tobacco industry stakeholders to justify their positions?

Research Paradigm and Design

Research Paradigm. This research project was approached from within a constructivist/interpretivist paradigm. In the constructivist view, knowledge and social realities are constructed by human beings as they interact and engage with the world they are interpreting. All constructed realities are valuable and contingent on human practices (Crotty, 1998). The interactive nature of study between the investigator and the object of investigation leads to findings created as the investigation proceeds (Guba & Lincoln, 1994). Similarly, interpretivism is a theoretical perspective that looks to explain human and social reality (also referred to as the social life-world) using interpretations that are both culturally derived and historically situated (Crotty, 1998). In combining these paradigms, the research study resulted in a construction of interpretation of the sample texts that was influenced throughout its process by the researcher's perspective of the social life-world. The social life-world is influenced by the researcher's practices of interaction and engagement in the world and the world described in the sample texts.

The analytical technique of discourse analysis can also take either an interpretive/constructivist approach or a critical approach (Phillips & Hardy, 2002; Potter & Wetherell, 1994). Within the interpretive approach, research focuses on the “analysis of the social context and the discourse that supports it” (Phillips & Hardy, 2002, p. 22). The aim of inquiry is to create understanding and reconstruct reality (Guba & Lincoln, 1994). Contrastingly, within the critical approach, research focuses on “the role of discursive activity in constituting and sustaining unequal power relations” (Phillips & Hardy, 2002, p. 21). Critical theory aims to critique, deconstruct, transform and emancipate (Guba & Lincoln, 1994). Thus, taking an interpretive approach in this study led to examining how the tobacco industry tries to portray and shape the context and issues through discourse—aligning with the research paradigm and research questions. On the other hand, taking the critical approach would have led to exploring who benefits or is disadvantaged or what discourses assume dominance at a particular time (Foucault, 1969; Phillips & Hardy, 2002), an aim that is outside the scope of this study. Despite differences between interpretive and critical approaches, the underlying assumptions of discourse analysis (i.e., that language creates a reality) are shared between the two approaches.

Research Design. The research study was developed as a case-study design with the Tobacco Act, Bill C-71, as the unit of analysis. Case study research is often used when a phenomenon is not readily distinguishable from its context, which is the primary reason it was selected for this study (Yin, 1993). It is ideal for portraying and communicating a situation with thick description and detail that provides the reader with a “vicarious experience of the inquiry setting” (Lincoln & Guba, 1985, p. 214). In this

study, the unit of analysis, Bill C-71 was examined because of its importance in shaping Canadian tobacco control. The context and actors related to the creation of Bill C-71 were extremely influential on the outcome of the legislation, thus case-study design provided an ideal method of investigation.

Analytical Method

This study utilized interpretive discourse analysis as the analytical method to examine tobacco industry written and oral submissions to parliamentary committees. Discourse analysis, in brief, is the study of how talk and text are used to perform actions (Potter, 2003). More specifically, the method examines texts to find out the meanings and actions associated with words and phrases, and the thought processes behind and conveyed through the ordering of words and phrases (Potter, 2003). Furthermore, discourse analysis sees language as a form of action that can be analysed for its styles, linguistic resources and rhetorical devices (Potter & Wetherell, 2003). The method lends itself to creating a visible and understandable way to interpret the reality of discursive frameworks (Ballinger & Cheek, 2006).²

Discourse analysis has been gaining prominence in the qualitative research field, but as an overall method, it is underutilized in allied health research (Ballinger & Cheek, 2006). The method is argued to have developed out of social psychology in the 1980s, borrowing central theoretical topics such as the analysis of attitudes, categories and the self, and reworking them into the discursive context (Potter, 2003). Discourse analysis developed alongside (and was likely influenced by) the emergence of a rhetorical

² Interpreting and creating a subjective reality from a discursive framework is the central purpose of discourse analysis. There are as many realities as there are analysts, although many may share interpretations of reality. Analysts examine discursive frameworks (or excerpts of texts from materials) to create their unique understanding of an issue and/or context from a particular theoretical perspective (Guba & Lincoln, 1989).

dimension of psychology that looked at the implicit functions of arguments as counterarguments appeared (Billig, 1996; Potter, 2003). Much of the early discourse analysis work reported analyses of tape recordings and transcripts of conversational interviews. Since the early 1980s, the variety of materials used for analysis and the types of issues explored have expanded (Potter, 2003). For example, in 1992, Edwards and Potter examined television interviews and newspaper articles based on a specific political dispute to study memory and attribution (Edwards & Potter, 1992). As another example, Billig (1992) studied conversation transcripts about the British Royal Family, examining statements to undermine arguments for social and political change. Discourse analysis is now a well developed method that provides researchers the opportunity to study a wide variety of materials using alternative paradigms and research questions, and produce rich analyses that can be cross-referenced and validated with many past discourse analysis studies.

Discourse analysis was specifically chosen as the method for this study for a number of reasons. The primary reason is because the research questions required an aligned analytical method that could provide an in-depth, interpretive approach to analyzing text and its context. A small number of analysis methods were able to examine text, namely, content and template analysis; however, discourse analysis was specifically chosen because of its ability to go beyond the surface level of a text (Burman, 2004). A content analysis limits outcomes to predetermined categories and does not consider the context (Miller & Crabtree, 1992). A content analysis of the tobacco industry submissions from this study sample could have provided answers to, for example, the prevalence of certain words that are believed to be influential; instead, discourse analysis

is able to look beyond the surface to create a deeper understanding of how and why certain words are used in submissions by the tobacco industry to influence the outcome of Bill C-71. Template analysis, on the other hand, is able to look just beyond the surface to examine texts to make inferences about processes occurring based on emerging themes. A feature of this type of analysis is that it focuses on examining an *a priori* determined set of codes for themes; thus, it does not allow for researchers within a constructivist approach to challenge their interpretations (Miller & Crabtree, 1992).

Discourse analysis, like many qualitative research methods, asks the question "How is X done?" of a given text (Potter, 2003). An analysis method that focused on the *how* was essential in fulfilling the purpose of this study, which was to understand how the tobacco industry attempted to influence tobacco control policy during the legislation of Bill C-71. Additionally, the research questions aligned well with exploring the *how*, that is, asking specifically about how the actors' discourses and contexts attempted to influence decision-making. It is important to note that the research questions guiding this study were not originally phrased as *how*-type questions, as the analysis method was decided upon after the sample had been collected and research questions posed, but both can be understood as *how*-type questions in Table 3.

Table 3

Research Questions Understood Within Discourse Analysis

Question No.	Research Question	Understood as a <i>how</i> question
1	How were smoking and tobacco discussed in texts?	How were issues related to smoking, tobacco, and therefore implicitly health, framed or presented by tobacco industry stakeholders?
2	What discursive tactics were used by tobacco industry stakeholders to justify their positions?	How were tobacco industry stakeholders' discourse and the context of the discourse used in the policy-making arena during the negotiations of Bill C-71?

Secondly, discourse analysis is able to examine a multitude of types of texts

(Burman, 2004; Potter, 2003). When searching for an appropriate method for analyzing the sample, discourse analysis became an ideal option because it encourages the use of a wide variety of materials, such as interview, television, or conversation transcripts—essentially any text that provokes interest. In this study, discourse analysis facilitated a distinct opportunity for both transcripts and letters to be examined using the same research questions and analysis techniques. Additionally, discourse allowed for information to be drawn from supplementary documents to inform the political and tobacco control context of the case study, such as political party election platforms and publicly distributed government blueprints for legislation.

Lastly, discourse analysis provides the ability to sufficiently explore the broad context of the political and legislative climates, as well as specific discursive tactics and how they were employed in the legislative cycle. The ability to broadly and specifically draw on context allowed for a detailed description of context as it related to discursive tactics, necessary of a case study research design.

Sample and Sampling Strategy

Sample. The criterion-based sample (Patton, 2002) was composed of written briefs or letters and transcripts of oral presentations to the Standing Committee on Health or Senate Standing Committee on Legal and Constitutional Affairs by an individual or organization representing the tobacco industry on the issue of Bill C-71. In a criterion-based or purposive sample, texts are purposely chosen because they share features or characteristics that enable detailed exploration and understanding of the central themes being studied (Patton, 2002). Criterion-based or purposive sampling aims to ensure that the sample members are relevant and diverse (Ritchie, Lewis, & Elam, 2003). In purposive sampling, decisions about which criteria are used for selection are made in the early design stages of the research. They are commonly informed by the research questions and study purpose (Ritchie, Lewis, & Elam, 2003). In this study, the purpose was to determine the influence of tobacco industry stakeholders on one specific piece of legislation. In this study, *tobacco industry stakeholders* were defined as any person or organization that is involved in the manufacturing, sale, distribution or promotion of tobacco products and/or is fully or partially monetarily supported by the tobacco industry or industry-sponsored events, as defined by public document, excluding federal, provincial and territorial governments. Thus, the sample was collected based on the inclusion criteria that each member of the sample be: 1) a brief or transcript; 2) written or presented by a tobacco industry stakeholder³; 3) on the subject of Bill C-71; and 4)

³ Most texts revealed in-text justification for inclusion in the definition of a tobacco industry stakeholder, yet a small number required outsider justification (e.g., International Management Group at <http://legacy.library.ucsf.edu/tid/jrj80b00>, International Trademark Association at http://www.bat.com/group/sites/UK__3MNFEN.nsf/vwPagesWebLive/DO6TNLZ2?opendocument&SKN=2, Pierre Lemieux at <http://www.ocat.org/opposition/consultants.html#6>, John Luik at <http://www.ocat.org/opposition/consultants.html#6>, and Outdoor Advertising Agency of Canada at Cunningham, R. (1996). *Smoke & Mirrors: The Canadian Tobacco War*. Ottawa: International Development Research Centre).

addressed to one of the two parliamentary houses reviewing the Bill. Texts had no minimum or maximum page requirement, but were required to be available in the English language (translations were included).

The sample excluded any texts that were submitted to a committee by someone other than a stakeholder of the tobacco industry (e.g., a brief submitted by a health organization or Health Canada). In addition, texts that were not available in the English language were not included because of possible misinterpretation.

Table 4 distinguishes between numbers of written and oral submissions, as well as to which committee the submissions were provided. A detailed list of all briefs and transcripts in the sample is available in Appendix B.

Table 4

Total Submissions (Oral and Written) to House of Commons Standing Committee on Health and Senate Standing Committee on Legal and Constitutional Affairs

Committee	Total written submissions	T.I.S. written submissions	Total oral submissions	T.I.S. oral submissions
H.O.C.	44	19 (43%)	32	19 (59%)
Senate	33	19 (58%)	36	27 (75%)

Note. H.O.C.= House of Commons Standing Committee on Health, Senate=Senate Standing Committee on Legal and Constitutional Affairs, T.I.S.= Tobacco Industry Stakeholder. Only 12 of 19 H.O.C. T.I.S. written submissions were included in the sample.

Sampling. Three sources of texts were used to create a complete sample: 1) a pre-established database from a 2005 University of Western Ontario study collected by Anita Kothari and her research assistant, Robyn Hastie; 2) documents from the Library and Archives Canada; and 3) the archives database of The Senate of Canada. All documents

collected were part of the public record and therefore were able to be studied without breach of confidentiality.

Database. A pre-established database at the University of Western Ontario included written submissions from various interested parties to parliamentary committees pertaining to tobacco-related legislation passed during the time period of 1996 to 2005. For the purposes of this study, only submissions from tobacco industry related to Bill C-71 were selected. The database was created by compiling a list of tobacco-related bills tabled in both the parliamentary houses via the Government of Canada website. An electronic legislation search database, LEGISinfo, was used to determine which committee reviewed the bill. Each committee clerk was contacted via email. Each clerk was asked to send submissions made on the specific bills identified through LEGISinfo. This collection method yielded 20 briefs to the sample.

Library and Archives Canada. The second submission collection method involved the researcher visiting the Library and Archives Canada in Ottawa, Ontario. The reference service was used to first determine where to find a list of submissions to the House of Commons Standing Committee on Health in the 35th Parliament, Second Session. Upon finding this list, the researcher ordered and reviewed all documents to determine whether or not each individual or organization was a stakeholder of the tobacco industry. This submission collection method added 10 additional documents to the sample.

In addition, the oral submissions to the House of Commons and Senate Committees were obtained using the Government of Canada Parliamentary Committees website, which archives all committee meeting transcripts online. The process involved

identifying the specific dates of committee hearings, then determining on which day the interested parties who representing the tobacco industry appeared. This search method yielded 46 tobacco industry stakeholder excerpts (i.e., the portion of the transcript where individuals, companies and organizations gave witness to the committee via presentation and question period) across six meeting transcripts. Each individual, company or organizations' excerpts will be referred to as separate transcripts from this point on.

Research Archivist. The third source of texts related to Bill C-71 involved contacting the Research Archivist of the Senate of Canada, Roger Laframboise. Laframboise emailed the author a list of all the Standing Senate Committee on Legal and Constitutional Affairs archived documents. Seven documents were selected by the researcher because of their possible affiliation with the tobacco industry and ordered. Laframboise photocopied and sent four documents (because three were only available in the French language). Only one document was new and therefore added to the sample, but the list provided by Laframboise confirmed that all possible tobacco industry stakeholder documents from the Senate of Canada had been obtained.

Development of analysis tool

Drawing from discursive features highlighted by Potter and Wetherell (1994) and Laliberte-Rudman (2003), a data analysis tool was created to analyse each text in the sample. The first version of the tool was created with guidance from the discourse analysis literature, and was subsequently refined through incremental changes during the pilot testing stage. The analysis tool initially drew on the work of Potter and Wetherell (1994), looking to the first four of their five areas of analytic considerations, which include: 1) the use of variation as a lever; 2) reading the detail; 3) looking for rhetorical

organization; 4) looking for accountability; and 5) cross-referencing discourse studies (see Table 5). Laliberte-Rudman's (2003) questions to guide analysis of discursive features (Table 6) presented a broader approach to analysis than that of Potter and Wetherell (1994). Laliberte-Rudman (2003) chose to examine emergent discursive technologies of the text, but augmented an opportunity to explore the context of texts. Drawing on Laliberte-Rudman's (2003) work, questions examined topics such as how the tobacco industry stakeholders presented themselves and their affiliation to the Bill (i.e., self-assigned "identities" or "roles"), how they addressed counterarguments and what they neglected to present.

Table 5

Potter and Wetherell's (1994) Areas of Analytic Considerations

Area of analytical consideration	Purpose	Questions to ask of text	Process
Variation	To identify features of discursive construction	Why is the text written this way and not that way? Why do these words appear and not others?	Pose questions to look for differences in author or speaker (e.g., one speaker on one occasion or one speaker on many occasions within same text)
Reading for detail	To identify how text is organized	Why this specific word/phrase instead of another?	Look at the pauses, repairs, word choice, etc. in text
Rhetorical organization	To identify how argument is organized	What is the function of the argument? (e.g., to persuade, request, assign responsibility, promise, etc.) How is it organized?	Look at how the text is organized to present the argument and how it is set up to undermine alternative cases
Accountability	To examine how the argument presented is defended	What was used to make argument hard to rebut, seem fair? What was cited to defend argument?	Compare type of argument with defense used (looking for excuses or justifications)

Table 6

Laliberte-Rudman's (2005) Questions to Guide Analysis of Discursive Features

Discursive Feature	Question to guide analysis
Function	What is the text attempting to do (e.g., persuade, request, assign responsibility, promise, etc.)?
Coherence	How are propositions bound together and how are 'facts' related (e.g., temporal, causal, conditional, comparative, spatial)? What topics or themes specify the most important information and tie the whole text together?
Implications	What is left unsaid but is implied via suggestion, association, or presupposition?
Presentation of fact	How is 'fact' presented? What are the tacit assumptions? What bodies of expertise cited? What counts as knowledge?
Accountability	How does writer attempt to make claims accountable, 'fair', or 'objective'?
Completeness	What is not said? What is not seen as a problem? What is described in detail? What is treated superficially?
Argumentative orientation	How is the text organized to make a case and to undermine alternatives?
Negation	How are negative sentences used?
Categorization	How are categories used to describe or evaluate people? How are categories articulated and for what function?
Narrative characters	How are narrative characters used and for what purposes? What content is included in description of characters? Who is signified as virtuous or dangerous? What actions are rewarded or penalized?
Interpretive repertoires	What terms and metaphors are drawn upon to characterize and evaluate events? What metaphors and figures of speech used?

Variation	What variation is evident within and between texts?
Intertextuality	How are other texts drawn upon and articulated (e.g., as implied assumptions; as quoted material; as 'fact')?
Translation	What shifts are evident from one type of report (e.g., official document) to another type of report (e.g., popular speech)? How are public and private discourse types combined?
Inconsistencies	Are there any inconsistencies and contradictions evident within the text?
Hedging	What statements are hedged (e.g., it appears/seems) indicating less confidence in their 'truthfulness'?

The first version of the analysis tool was created for the sample with little knowledge about the sample size, depth of information that could be obtained (based on available detail) and political and tobacco control context of each text. Despite a lack of contextual knowledge, the study's research questions and purpose, in addition to the literature, guided the data analysis tool to include additional questions about: the declaration of the author or speaker; stated problems, facts, evidence, and solutions; tone; and use of awkward language.

The next version of the data analysis tool was developed from the pilot study of the tool. This was carried out by applying the first version of the tool to three submissions, reviewed by three analysts (the researcher and two thesis supervisory committee members). This exercise reduced redundancies resulting in the consolidation and exclusion of a number of questions.

After a discussion with committee members about the efficiency of the tool, a final version of the data analysis tool (i.e., guide) was produced that drew in specific and general ideas from works of Potter and Wetherell (1994) and Laliberte-Rudman (2003).

This final version is presented in Table 7, with a side-by-side rationale as to why each question was developed and what type of information it should elicit.

Table 7

Data Analysis Tool (or Guide) with Rationale

Question No.	Question	Rationale for Question
1. a)	Is the text a transcript or a brief?	Provides situational context—identifies whether statements are oral or written (which can be affected by factors including: who else is present at the time of statement (colleagues or opponents); and whether or not the statement is intended to affect decision making for a group simultaneously or independent individuals followed by a collective group).
b)	What was the date of the text?	Provides temporal context, allows for comparison between who was present at hearings, what networks may have appeared with unstated support in hearing, and preparedness.
c)	If a brief, how was it sent?	May be indicative of temporal urgency or concern for issue
d)	Who was the text directed to?	Allows for interpretation about why and how the submission was directed to certain person(s) and knowledge of formal process (is the author or presenter professional, experienced, etc.?)
e)	If a brief, whom was the text copied to?	Allows for linkages to be drawn about which decision makers the author feels are important or influential
2. a)	Who is the author or witness of the text? Does the text represent an independent point of view or that of an organization?	Looks for explicit or implicit statements of power of the collective and also allows for further interpretation of partnerships, coalitions and networks
b)	How does the author or witness self-describe him or her self as an individual and/or company in general?	Allows for examination of analysis of author as well as allows for further interpretation of partnerships, coalitions and networks among organizations and general context of the existence of formal or informal partnerships or coalitions

c)	How does the author or witness position him or her self as an individual and/or company as a stakeholder of Bill C-71?	Allows for analysis of the author's self description and perceived importance as a stakeholder
d)	Where is the company located?	Observes potential geographic networks and epicentres of tobacco stakeholder action
3.	What does the author or witness present as (a) problem(s)?	<ul style="list-style-type: none"> - Provides insight regarding motivations to submit or present - Allows for articulation of explicit or stated problems - Provokes interpretation of implicit or unstated problems - Allows for consideration of how author is shaping key issues
4.	What does the author or witness suggest as (a) solution(s)? Who or what is to enact (the) solution(s)?	<ul style="list-style-type: none"> - Provokes inquiry into reality/feasibility of a proposed solution as interpreted by author or speaker, as well as how others may perceive suggested solutions - Identifies specifically what changes are needed (may provide insight to Bill-specific changes or broad social changes) - Allows for interpretation as to who will be affected by proposed changes
5.	What does the author or witness present as fact?	- Dichotomizes author's beliefs about 1) presumed tacit statements (that do not require evidence) and 2) facts that require evidence—providing insight into author's ideology and values
6.	What evidence is used to account for fact? Does evidence include pictures, diagrams scientific data, case examples, and/or personal stories? How is this evidence presented in the text?	<ul style="list-style-type: none"> - Allows for focus on the discursive analysis technique of accountability of statements (Potter and Wetherell, 1994) - "How" question can draw on what style of presentation used and how it may differ or resemble other statements made by the author/presenter or other individuals or organizations
7.	Does the author or witness address counterarguments to his or her position?	<ul style="list-style-type: none"> - Allows for elaboration of problems and solutions of opponents - Allows for inquiry into what evidence is

		used and how it is presented regarding direct counterarguments - Allows for comparison between original statements and rebuttals against counterarguments (does the latter hold true to the originally stated values and ideologies?)
8.	If reference to another Bill, document, individual or organization is made, what is presented?	- Provides opportunities to examine how references are drawn into current statements (intertextuality) - Allows for consideration of who is positioned as an ally and who is seen in opposition
9.	What fact(s) relevant to the context is/are the author(s) or witness(es) neglecting to present?	- Allows for exploration of potential facts that are downplayed, marginalized or refuted - Provokes thought about what is not seen as a problem or a solution - Allows for analyst's knowledge of background context to be drawn from - May provide opportunities to create chronological timelines of details regarding specific arguments
10.	Are there any particular words that are emphasized that are used in awkward ways?	- Allows for interpretation of language, tone, detail, variation of chosen words and phrases - Allows for inquiry about semantic details to elaborate on broad thematic and contextual analysis

Process of Text Analysis

The process of analysis involved four separate raters (the researcher, two committee members and a Ph.D. student), analyzing seven randomly selected briefs or transcripts from the sample, including the three texts analysed during the pilot study. As reflexivity is essential with interpretive research, the researcher met with the raters as a group of three during the pilot study, and then individually throughout the process of analysis to ensure that the researcher remained aware of multiple perspectives, as well to

ensure that the data analysis guide continued to ask high-quality questions that could elicit explicit and implicit answers from the sample. Two of the three co-raters were involved in research on tobacco and the other was well versed in the method of discourse analysis. Initially, the meetings occurred frequently, but a more steady routine of once every three weeks became the average. All texts in the sample were reviewed using the structured data analysis guide (Table 7). Texts were reviewed chronologically based on the date of the brief and date and speaking order of the hearing. However, texts selected for the co-rater meetings were chosen by the researcher because they did not elicit what the researcher thought was sufficient description or interpretation, or, contrastingly provided a large amount of information, which made the analysis difficult to organize.

Levels of Analysis. There were two levels of text analysis. The first level examined each text, creating descriptive and interpretive answers to the data analysis guide questions. The second level drew from the answers of all data analysis guides questions to create interpretive answers to the research questions.

Level one analysis began by reading each text several times alongside the data analysis guide. Texts were reviewed chronologically to ensure that insights gained from earlier texts were incorporated into later texts. Each reading focused on different aspects of the linguistic content and form of the discourse to ultimately determine what was being said, and how it was presented, to influence the parliamentary committees. The questions were answered, in most cases, in the order that the answers appeared within the text (i.e., if a problem [question three] appeared within the first sentence and was followed by an explanation of who the author or presenter was [question two], the problem was recorded first). Information was recorded for each text on the hard-copy text itself, as well as

electronically, in a Microsoft Word copy of the data analysis guide. After all texts were analyzed, each text was categorized into one of six stakeholder groups (e.g., growers, manufacturers, distributors and retailers, allied industries, sponsored events organizers, and independents). In the final stage of level one analysis, the data analysis guide answers were consolidated based on stakeholder groups.

In level two analysis, there was a strong focus on interpretation of findings. The consolidated answers from the first level of analysis were divided into the two research questions, the second further categorized data into themes of tactics. Each interpreted answer provided excerpts of original texts to ensure that the rationale of each research question was documented and the interpretation was plausible. This process was undertaken to allow for other researchers the opportunity to evaluate the different levels of analysis to agree or not agree with the interpretations. At the end of the second stage of analysis, all texts were re-read to confirm answers and to check for disconfirming evidence and elaborate discourse patterns (Laliberte-Rudman, 2005).

Context. Insight into the context that influenced both levels of analysis was supported via public documents and personal experience. The two public documents included: 1) *Creating Opportunity: The Liberal Plan for Canada*, the Liberal Party of Canada's 1993 federal election platform; and 2) *Tobacco Control: A blueprint to protect Canadians*, the Government of Canada's 1995 plan for legislation and leadership on the issue of tobacco control. The documents provided deeper understanding into the federal government's presentation of its economic, social and specific tobacco control priorities. Moreover, the full transcripts provided exceptional detail surrounding each of the committees' hearings and their members. The literature review process also highlighted

key understandings surrounding the functioning of the government leading up to the legislation of Bill C-71, the *Tobacco Act*. Lastly, in addition to these documents, an opportunity to observe and take part in federal tobacco control policy-making during the development of the research project increased personal knowledge about the motives and interactions of present day federal politicians and tobacco control advocates—knowledge that was applicable and comparable to the policy development of Bill C-71.

Measures of Research Quality

Qualitative research encompasses a variety of disciplines, paradigms, and epistemologies (Morrow, 2005). The “goodness” of qualitative research is based on the paradigmatic underpinnings of the research and standards of the discipline. Thus, the standards appropriate for evaluating studies vary accordingly (Morrow, 2005). When approached from a constructivist or interpretive paradigm, the method of discourse analysis is highly interpretive. Constructivist researchers are viewed as co-constructors of meaning who are integral to the interpretation of the data (Morrow, 2005). The meanings created out of constructivist research develop out of an active relationship and are tied to the surrounding world, not the individual (Crotty, 1998). The ontology of the paradigm denies the existence of a singular objective reality, providing room for multiple realities that are argued to be social constructions of the mind that involving through interactions between individuals and their social contexts. The epistemology of the paradigm suggests that the findings of a study exist precisely because there is an interaction between the observer and the observed that develops from the specific research question, purpose and project (Guba and Lincoln, 1994). The ultimate aim of the constructivist methodology is then to create a consensus construction that is more informed and sophisticated than any

of the predecessor constructions (Guba & Lincoln, 1994). In practical terms this means constructing a 'truth' or representation of a 'reality' that translates a large amount of high-quality observations to readers to be understood and used (while also acknowledging that there may still be several representations that simultaneously meet the criterion). As it can be understood then, the evaluation of the quality of constructive discourse analysis can be a difficult task for the reader and the analyst; however, several techniques exist to promote trustworthiness and quality in a study. These techniques are discussed below.

Reflexivity. Throughout the entire study, a self-reflective practice was used to remain aware of the researcher's individual perspective. This practice is best described as reflexivity, and involved examining the researcher's values, assumptions and motivations to see how they affected all aspects of the study (Lincoln & Guba, 1985; Morrow, 2005; Patton, 2002).

Reflexivity was practiced during the study by approaching each text with an open mind and reading it several times in order to get a sense of whom it was coming from, what their values were and what result they were looking for regarding the legislation. While reading each text individually, answers to each data analysis question were noted along the margins. Next to each answer, questions were often posed by the researcher that reflected a devil's advocate position. This challenged the researcher to look at the statement from two different perspectives. In addition, regular meetings with three separate co-analysts throughout the analysis stage, including two committee members and a Ph.D. student, assisted deeply. During meetings, in-depth discussions (averaging an hour each) on the subject of the interpretations of one or two texts allowed the researcher

to contrast, compare and most importantly, become aware of multiple perspectives. Between meetings, the researcher often reviewed the notes taken from meetings and the completed data analysis guides of each of the co-analysts. These two reflective techniques—taking memo notes and meeting with co-analysts—initially drastically changed the language and tone used when the researcher answered the data analysis guide. When analyzing texts alone, the researcher would systematically refer back to notes made by co-analysts on other texts. The arguments and issues discussed between texts were often quite similar, thus making it quite easy for the researcher to make reference checks within the sample. This also worked well when the researcher analysed documents at different times of day, or week or throughout the analysis period.

Stating research perspective. To enhance the quality and trustworthiness of findings it is important that the researcher state a research perspective. The researcher was trained as a student of health promotion and spent approximately half a year employed with a health organization during the time of this study. This perspective set the researcher in the mentality that preventable, health-harming agents, such as tobacco products, are negative to the overall health and well being of society. Prior to and during the study, the researcher operated under the assumption that the tobacco industry, as an interest group and competitor in a market, carry out actions that are generally self-interested and prioritize profits above health. However, every person (or company) is entitled to their own beliefs and further, when those beliefs are jeopardized by regulation, every person or company has the right to express their beliefs in our democratic society.

Dependability. The term dependability broadly refers to the process of analysis of a research study remaining structured and unchanged throughout the study (Patton,

2002). In this study, the technique was employed by ensuring the provision of detailed descriptions about the process of text analysis and the iterative changes made to the data analysis guide (Table 7).

Written account. Within interpretive research, it is argued that it is important for interpretations to be documented in order for others to judge the trustworthiness of the research findings (Angen, 2000). A written account of research provides for a comprehensive and thorough understanding of the resulting interpretations. In this study, completed data analysis extraction forms, memo notes, and meeting notes all deliberately referenced specific quotes and excerpts of the raw data (e.g., transcripts and briefs). This process was used to ensure that the link between the raw data, and interpretations of the data analysis guide and research questions would be evident.

Coherence. Approaching quality of research from within the field of discourse analysis, Potter and Wetherell (1987) argued that good research should include a set of analytic claims that clearly demonstrate “how discourse fits together and how discursive structure produces effects and functions” (p. 170)—this is called *coherence*. Research conclusions are coherent if they are well founded in and consistent with the raw data, connected with the logical discourse (Hall & Stevens, 1991). If any pieces of text within the discourse do not fit within the set of analytic claims, it is more likely that the analysis will be viewed as less trustworthy (Potter & Wetherell, 1987). In an attempt to ensure coherence, a broad set of analytic claims borrowed and developed from Potter and Wetherell (1994) and Laliberte-Rudman (2003) were joined to create a data analysis guide designed to take in breadth and depth of information. Questions that can be asked of the findings to check for coherence include: Is this observation consistent with other

observations made of the same community? Is this account comparable to accounts from others in the sample? Are the interpretations sound renderings that communicate the essential meanings of the raw data? Do the interpretations make logical sense in the light of the broader understanding of social, economic and political realities? (Potter & Wetherell, 1987)

Fruitfulness. Potter and Wetherell (1987) also judge quality of discourse analysis research based on its *fruitfulness*, described as “the scope of an analytic scheme to make sense of new kinds of discourse and to generate novel explanations” (p. 171). Knowledge about how the tobacco industry is attempting to influence policy decision making via submission writing and presentations is an unexplored area. No known study has examined parliamentary hearings for discursive tactics. However, tobacco industry stakeholders’ actions have been observed, documented and circulated. This area of research will add to current health promotion knowledge. Thus, this study could be seen as fruitful, as it attempts to create links between the analysis topic and health promotion.

In closing, standards of techniques to ensure quality and trustworthiness are extremely important in research, but it has been argued that the best standard may be the ability of the researcher to know “what it means to have done something well, having made an effort that is worthy of trust and written up convincingly” (Angen, 2000, p.392).

Researcher-as-instrument statement

In a discourse analysis study, the researcher operates as the instrument or tool. At this point, it is necessary to discuss positive and negative factors associated with a human tool in a research study. As mentioned, the researcher can provide positive effects (e.g., benefits due to experience in context of research field) or negative effects (e.g.,

impediments due to inexperience in analysis method) on the research study. Discourse analysis is described as a craft skill that is developed as the analyst (or researcher) becomes more practiced (Potter & Wetherell, 1994). In preparation for this study, I became familiar with literature related to the method of discourse analysis. I also engaged in discussions with experienced analysts about their techniques, approaches, and research endeavours. Furthermore, I spent a considerable amount of time with policy analysts and tobacco control researchers to obtain a rich background in public policies related to tobacco control, the social and historical context of tobacco control in Canada and internationally, and the Canadian political environment between the 1980s and 1990s. As a result, I felt prepared, as a researcher, to undertake what was required to create a trustworthy study.

Limitations

There are a number of limitations to this study that warrant discussion. Factors related to the breadth and depth of the sample may have impacted the study's results. The sample included all possible submissions obtainable from the House of Commons and the Library and Archives Canada; however, it is possible that a very small number of documents may not have been included in House of Commons sample documents because they may have been missed during the researcher's collection or misfiled by the Archives staff. Additionally, approximately seven documents that were originally in the total sample were eliminated because English versions of the original French-language documents were not available. The documents that were originally produced in French may have also been subject to translations that may have altered the intentions of the speakers or authors. However, the large sample size of English documents likely

provided a sufficient basis of understanding. A number of non-text based submissions were also unavailable, including video presentations by: the Minister of Health on December 6, 1996; Vancouver Fireworks Society on April 2, 1997 and Molstar Sports & Entertainment on April 3, 1997. Additionally, it was not possible to obtain posters presented by: Benson & Hedges Symphony of Fire from Toronto and Vancouver on December 9 and 10, 1996 and International Jazz Festival on December 9, 1996.

Only a few select public documents (e.g., *Creating Opportunity: The Liberal Plan for Canada & Tobacco Control: A blueprint to protect the health of Canadians*) were used to provide a contextual background. These documents provided only government perspectives, which may not have reflected health organization and tobacco industry perspectives. It may be advisable for future researchers to include a media component in studies that examine all media releases, advertisements, and articles produced by the stakeholders in the sample.

Another limitation and suggestion to future researchers is to include co-analysts that have familiarity with discourse analysis. This study took into account the perspectives of three additional researchers with similar health-focused backgrounds (i.e., occupational health and health policy), only one with previous experience in the method. The method, as previously discussed, is sensitively dependent on the comfort and ability of the analyst. It was in favour of the study that the analysis examined both the text and context of the environment; this put to great use the two of the three co-analysts with backgrounds in Canadian tobacco control. Additionally, all three were seasoned qualitative researchers with experience in a number of methods and methodologies, which may have assisted in their abilities to quickly adapt to this method. However, a

possible limitation may have occurred as none of the co-analysts read the contextual documents included in developing the context surrounding the texts. Although, in discussions on the context with co-analysts, despite not reading the government reports, they were seemingly knowledgeable with the government practices at the time. Furthermore, co-analysts only provided their feedback to level-two analysis (instead of creating their own lists of discursive tactics), which drew on all analysts' perceptions in level one analysis. In future studies, it is recommended that co-analysts provide their perspectives throughout the entire analysis period. Despite these limits, it is important to keep in mind that interpretive studies do not necessarily undergo multiple analyses. The inclusion of three additional co-analysts was done to challenge, discuss, and increase the quality of interpretations, which may in effect, increase transferability of findings. In closing, despite the limitations in the areas of the sample, sampling, and analysis, a number of fruitful findings and conclusions can be drawn from the information provided in the current study.

CHAPTER 4

Descriptive Findings- Level I Analysis

The findings of the discourse analysis are presented within two chapters. This chapter examines the first-level analysis, presenting key findings from the data analysis guide questions (Table 7). The key findings describe the portrayed identities, cited problems and proposed solutions of tobacco industry stakeholders, categorized by stakeholder group. Direct quotes from texts are presented to illustrate the analysis, and reference codes tracing excerpts to original texts can be found in Appendix B. To preface the findings, descriptions related to the study sample are provided. Chapter five follows with the presentation of level-two analysis, which draws on level-one findings to generate insights about discursive tactics existing within the texts.

Descriptive Characteristics of Written Submissions and Presentations

Study sample. The study examined 77 oral and written submissions to the House of Commons Standing Committee on Health (the “Health Committee”) and the Senate Standing Committee on Legal and Constitutional Affairs (the “Legal and Constitutional Affairs Committee”) between December 6, 1996 and April 10, 1997. A numerical description of the sample is available in Table 8.

Table 8

Study sample breakdown by written brief v. oral presentation to Health v. Legal and Constitutional Affairs Committees

Submissions	Total	Health	Legal and Constitutional Affairs
Written submissions	31	12	19
Oral submissions	46	19	27
Total	77	31	46

The greater number of oral presentations over written briefs was interpreted to indicate a greater preference for stakeholders to present concerns in person. As well, it was evident that committees placed heavy emphasis on presentations because of the considerable amount of time devoted to hearings (11 full days), including an extension of hearings during the Health Committee review (from two to three days).

Table 9 provides details about the date of submission, name of the individual or organization, type of text (written briefs are indicated by the letter "B", and oral presentation transcripts are indicated by the letter, "T"), and length of written brief. A detailed reference to authors and speakers is available in Appendix B.

Table 9

Total text sample organized by date of submission

Date of Submission	Individual or organization name	Text type (no. of page[s])
4-Dec-96	Corporate Classics	B (1)
6-Dec-96	Association of Canadian Orchestras-Orchestras Ontario	B (1)
6-Dec-96	Corporate Classics	B (3)
6-Dec-96	Ontario Flue-Cured Tobacco Growers' Marketing Board	T
6-Dec-96	Vancouver International Film Festival	B (2)
9-Dec-96	Alliance for Sponsorship Freedom	B (53)
9-Dec-96	Alliance for Sponsorship Freedom	T
9-Dec-96	Canadian Conference of the Arts	T
9-Dec-96	Canadian Tennis Association	T
9-Dec-96	Canadian Tobacco Manufacturers' Council	B (48)
9-Dec-96	Canadian Tobacco Manufacturers' Council	T
9-Dec-96	Coastal Jazz and Blues Society	B (6)
9-Dec-96	Consolidation of operators of vending cigarettes	T
9-Dec-96	Grand Prix F1 of Canada Inc.	T
9-Dec-96	Harbourfront Centre	T
9-Dec-96	International Jazz Festival, Vancouver (Coastal Jazz and Blues Society/WESTCAN Jazz Association)	T
9-Dec-96	McMaster Meighen	T
9-Dec-96	National Association of Tobacco and Confectionery Distributors	B (8)
9-Dec-96	National Association of Tobacco and Confectionery Distributors	T
9-Dec-96	Ontario Place	T
9-Dec-96	Outdoor Advertising Association of Canada	B (1)
9-Dec-96	Pierre Lemieux	B (7)

9-Dec-96	Pierre Lemieux	T
9-Dec-96	Quebec City Summer Festival	T
9-Dec-96	Tennis Canada	T
10-Dec-96	Board of Trade of Metropolitan Montreal	T
10-Dec-96	Canadian Council of Grocery Distributors	T
10-Dec-96	Montreal International with Greater Montreal Tourism Bureau	T
10-Dec-96	Tapestry Music Theatre	B (1)
10-Dec-96	Vancouver Fireworks Society	T
15-Jan-97	IGA Freson	B (2)
17-Mar-97	F.P. Labour Consultant Services	B (2)
25-Mar-97	Canadian Tobacco Manufacturers' Council	B (75)
27-Mar-97	Alliance for Sponsorship Freedom	B (79)
27-Mar-97	Coalition for Commercial Freedom of Speech	B (8)
March 97	Outdoor Advertising Association of Canada	B (29)
1-Apr-97	Canadian Tobacco Manufacturers' Council	T
1-Apr-97	Race Events Volunteers of Vancouver	B (7)
1-Apr-97	Swedish Match North America Inc.	B (8)
2-Apr-97	Alimentation Couche-Tard Inc.	T
2-Apr-97	Alliance For Sponsorship Freedom	T
2-Apr-97	City of Montreal	T
2-Apr-97	Coalition for Commercial Freedom of Speech	T
2-Apr-97	Eddy Match Company Limited	T
2-Apr-97	Flashmédia Inc.	T
2-Apr-97	Outdoor Advertising Association of Canada	T
2-Apr-97	International Management Group	T
2-Apr-97	John Luik	B (12)
2-Apr-97	John Luik	T
2-Apr-97	Montreal International & The Board of Trade of Metropolitan Montreal	B (11)
2-Apr-97	Greater Montreal Tourism Bureau	T

2-Apr-97	Office des producteurs de tabac jaune du Québec	T
2-Apr-97	Tourism Toronto	T
2-Apr-97	Vancouver Fireworks Society	T
3-Apr-97	25th St. Theatre Centre Inc	T
3-Apr-97	Atlantic Federation of Musicians	T
3-Apr-97	Canadian Coalition for Responsible Tobacco Retailing ("Operation I.D.")	B (12)
3-Apr-97	Canadian Coalition for Responsible Tobacco Retailing ("Operation I.D.")	T
3-Apr-97	Canadian Conference of the Arts (CCA)	T
3-Apr-97	Canadian Council of Grocery Distributors (CCDA)	B (7)
3-Apr-97	Canadian Council of Grocery Distributors (CCDA)	T
3-Apr-97	Canadian Federation of Independent Grocers (CFIG)	T
3-Apr-97	Canadian Tennis Association	B (19)
3-Apr-97	Canadian Tennis Association	T
3-Apr-97	F.P. Labour Consultant Services	B (9)
3-Apr-97	Grand Prix Player's Ltée de Trois-Rivières	T
3-Apr-97	Molstar Sports & Entertainment	T
3-Apr-97	Molstar Sports & Entertainment	B (29)
3-Apr-97	Consolidation of operators of vending tobacco	T
3-Apr-97	Theatre of Northern Ontario	T
7-Apr-97	National Association of Tobacco and Confectionary Distributors	B (10)
7-Apr-97	National Association of Tobacco and Confectionary Distributors	T
7-Apr-97	Ontario Korean Businessmen's Association	B (14)
7-Apr-97	Ontario Korean Businessmen's Association	T
8-Apr-97	International Trademark Association	B (4)
April, 1997	Ontario Flue-Cured Tobacco Growers' Marketing Board	B (3)
No date	Save our events	B (5)

Note. B= Written brief, T= Oral presentation transcript.

Overview of size and style of texts. As demonstrated in Table 9, many of the small-sized briefs came from smaller sponsored events organizers and allied industry stakeholders (e.g., Tapestry Theatre & Corporate Classics). The shorter briefs resembled formal letters addressed to specific individuals, whereas larger briefs resembled report-style documents that used title pages addressed to entire committees, section headings, bullet points, and appendices of cited studies. The larger briefs were most notably submitted by larger-sized stakeholders from manufacturers (e.g., Canadian Tobacco Manufacturer's Council [CTMC]) and sponsored events organizers (e.g., Alliance for Sponsorship Freedom [ASF] and Molstar Sports & Entertainment ["Molstar"]). Mid-sized briefs resembled report-style documents, and were submitted by the distributor and retailer stakeholder group from companies such as: National Alliance of Tobacco and Confectionary Distributors (NATCD); Canadian Coalition of Grocery Distributors (CCGD); and Ontario Korean Businessmen's Association (OKBA).

Although report-style submissions did not provide information about which individuals the authors believed the issue should be directed to, they did reveal other related information. Report-style submissions provided authors greater opportunities to present an organized and concise opinion than possible in letters. Often, no specific addressee information was provided, and a cover page and executive summary prefaced the document. Furthermore, authors used report-style documents (typically longer in length than letters) to allude to a deeper understanding of the issues needing to be addressed during the committees' hearings (and thus an effort to secure themselves positions as witnesses).

The attributes of report-style submissions allowed them to be distributed among many individuals, not just to those the documents were directed or copied to. Whereas, it appeared that only two formal letters made similar efforts to increase their audience size by carbon copying (i.e., C.C.) other parliamentarians. Association of Canadian Orchestras (ACO), for example, copied their brief to the Prime Minister, the Right Honourable Jean Chrétien, and the Honourable Sheila Copps, the Minister of Canadian Heritage, as well as, the Minister of Amateur Sport.

Smaller-sized companies and groups often submitted smaller-sized briefs. The majority of these authors were executives of companies, often attaching titles to their names, such as: President (AI18; DR5; SEO17), Vice President (AI1, AI2); General Manager (AI1; AI2; SEO14); Executive Director (SEO1; SEO8); Director of Communications (SEO2); and Chairman (AI7), many of the sponsored events organizers softening the title with mention of being a volunteer, or working for a non-profit group. Alternatively, larger-sized briefs coming from presumably larger organizations avoided attaching the brief to any one specific individual. Instead, multiple names and titles were given (AI19), or a list of hundreds of members (SEO16), or most commonly, no names were provided at all (AI14; DR1; DR9; DR16; G3; M1; M4). Additionally, company letterhead and logos were used to augment titles by emphasizing company legitimacy (e.g., Corporate Classics [AI1, AI2]) and company unity, especially between small companies and their sponsors (e.g., Vancouver International Film Festival displaying a Rothmans Film logo [SEO2]). Overall, a strong effort to create individual and company identities via titles, coalitions, and logos was noticed throughout all texts.

Similar to briefs, it was recognized in the transcripts that many of the speakers announced executive titles, including President (AI4; AI5; AI10; AI11; AI15; AI16; DR4; DR6; DR8; DR11; DR12; DR14; G2; M2; SEO13; SEO21; SEO25; SEO26) and Chairman (AI9; AI12; DR2; G1; M5). A relatively strong presence of legal counsel was also noted across all hearings (AI9; AI12; M2; M3; M5). Smaller organizations grouped together in hearings, speaking as a coalition called Alliance for Sponsorship Freedom (SEO5, SEO18). Interestingly, other groups neglected to mention their membership to that same coalition during their presentations (SEO6; SEO7; SEO9; SEO10; SEO11). On occasion, groups talked openly about organizations that they represented that were not able to come to the hearings (SEO11); and lastly, some individuals spoke as independent concerned citizens (AI20; I2).

Stakeholder Groups

Six stakeholder groups were created based on the similarity of roles in the tobacco industry: 1) tobacco growers or farmers; 2) tobacco manufacturing companies; 3) tobacco distributors and retailers (e.g., convenience store associations); 4) allied industries (tourism, municipal affairs, advertising and manufacturing industries); 5) tobacco company sponsored events and organizations (sports, arts and cultural events); and 6) independents (e.g., academics). For a list of all stakeholders categorized by group, see Appendix B. Table 10 identifies the number of stakeholder group submissions categorized by committee.

Table 10

Submissions Organized by Tobacco Industry Stakeholder Group and Committee

	Growers	Manufacturers	Distributors & Retailers	Allied Industries	Sponsored Events Organizers	Ind.
House of Commons Brief (n=12)	--	1	2	3	5	1
Transcript (n=19)	1	2	3	2	10	1
Senate Brief (n=19)	1	2	4	7	4	1
Transcript (n=27)	1	1	7	8	9	1
Totals	3	6	16	20	28	4

Note. Ind. = Independents

Table 10 demonstrates that three stakeholder groups (distributors and retailers, allied industries, and sponsored events organizers) have more members than others. This is because tobacco is primarily grown in Ontario and Quebec, and thus, there are only two tobacco growers' boards in Canada representing those regions. Furthermore, three tobacco companies provide 98% of the total market share in Canada—Imperial Tobacco (70%), Rothmans, Benson & Hedges (16%), and JTI-MacDonald (12%)—only approximately 2% of tobacco is imported or made by small manufacturers (Canadian Council for Tobacco Control, n.d.). The three companies are collectively represented as the Canadian Tobacco Manufacturers Council (CTMC), whereas a smaller group, such as Swedish Match North America Inc. ("Swedish Match") is not. The small number of members in the independent stakeholder group cannot be explained; however, it can be said that the tobacco companies intentionally hired these individuals for a purpose, and

perhaps that purpose was served with smaller representation. A section follows that describes each stakeholder group by: 1) the *identity* they created in their submissions; 2) a list of their *cited problems* with the legislation, legislation process or government in general; and 3) their *proposed solutions* to their interpreted problems.

Tobacco Growers

Identity. During the tobacco growers' presentations, it became evident that tobacco growers intentionally presented a unified front, commencing statements with pluralized pronouns, such as "we feel" (G1, p. 43) and "our concerns" (G1, p. 43) and referring to representing "the Canadian farmer" (G1, p. 43). However, provincial borders, and cultural and lingual differences implicitly divided the unity. Evidenced as Germain Ducharme represented only all of "Quebec's tobacco farmers" (G2, p. 1), and Frank Menich the tobacco farming "community" of Ontario (G1, p. 45). The division was first noted when the Ontario community made reference to their colleagues in Quebec, citing that they merely suspected they would have similar concerns (G1). This interpretation was further solidified when Ducharme made no mention of the Ontario farmers and spoke solely as "Quebec's tobacco farmers" during his presentation (G2, p. 1).

Despite individual differences, the tobacco farming areas were described sentimentally as close-knit communities that are the "backbone of agriculture" (G3, p. 1). As Menich talked about all the partners involved he suggested, "It's a way of life. It's a community. A lot of feeling is involved" (G1, p. 47). Furthermore, Germain Ducharme presented Quebec's tobacco growers as caring employers providing significant opportunities to youth to "earn enough money to cover their school-related expenses" and "make significant economic contribution to their families and society" (G2, p. 1). He

emphasized the growers' role as nurturing, via helping youth attain team skills and responsibility, which essentially prepared youth "to meet obstacles that lie ahead for them as adults" (G2, p. 2).

Cited problems. Tobacco growers were most concerned with whether regulations affected growers, as the Bill did not stipulate whether it included "raw leaf flue-cured tobacco" (G3, p. 2). If growers were affected, they suggested they would be concerned that regulations may prevent their "sizable pool" of "young people" from working on their farms (G2, p. 1) and about the possibility that Canadian smokers would "chose foreign products at the expense of Canadian ones" because of decreased advertising of Canadian products and continued allowance of international products in imported magazines (G2, p. 2). Growers were angry about the possibility of increased presence of government inspectors, "arriving without warning", to search their farm facilities (G2, p. 2). They named the regulation an abuse of power and argued it as unnecessary because "all of the products we use are closely regulated by Agriculture Canada" (G2, p. 2; G3, p. 2) and the Agricultural Products Marketing Act, already in place (G3). Menich suggested that government "sensitivity" was needed because the implications went beyond "some financial figure someone pulls out" (G1, p. 47). Menich also suggested that growers were "very concerned" about "the speed at which [legislation] was put together" (G1, p. 44). The growers from Quebec alluded to government regulation being too invasive and undemocratic, stating:

For years now, people have been receiving enough information about the dangers of smoking to decide for themselves whether or not to smoke. Legislation is

increasingly regulating our lives and telling us what we can and cannot do. Is this what democracy is all about? (G2, p. 2)

Problems were summarized when Ducharme argued, "Tobacco is a legal product and should be treated as such. The proposed legislation is a shot in the dark and will not achieve its objective. All it will do is create economic problems" (G2, p. 2).

Proposed solutions. Growers had a strong belief in the government leaving the situation as status quo regarding all tobacco products; however specifically argued, "notwithstanding the broad definition of 'tobacco products', the Bill should not be read as extending to unmanufactured flue-cured tobacco" (G3, p. 3). Growers further suggested that the only workable solutions were consumer-based, via education. They suggested levels of tobacco consumption could not be changed via regulation because "its the consumer who makes that decision" (G1, p. 49). Thus, "you have to key in on education", specifically "educating youth so they are aware of lifestyles" (G1, p. 49).

Tobacco Manufacturers

Identity. The Canadian tobacco manufacturers—Imperial Tobacco, Rothmans, Benson & Hedges, and RJR-Macdonald—were located primarily in Montreal and Toronto. They never appeared or wrote as independent companies, and instead were represented together by Robert Parker, President and Chief Executive Officer (CEO) of the Canadian Tobacco Manufacturers Council (CTMC). Parker appeared at Committee hearings with public relations and legal counsel colleagues, including: Marie-Josée Lapointe, CTMC Director of Communications; Colin Irving of McMaster Meighen in the meeting with the Health Committee and later formally representing RJR-Macdonald Incorporated in a presentation for the Legal and Constitutional Affairs Committee; Simon

Potter, Legal Counsel for Imperial Tobacco Limited; and Steven Sofer, Legal Counsel for Rothmans, Benson & Hedges Incorporated. The United States-based manufacturer, Swedish Match North America Incorporated, held a small subsidiary in Canada and used Ottawa-based legal counsel, Stikeman Elliot, as its representative during the hearings.

CTMC presented tobacco companies as legal manufacturers of legal products who recognized their products were associated with health risks, but also saw smoking as an adult decision nonetheless. This was exhibited by the statements:

Tobacco continues to be a legal product. Tobacco companies will continue to obey the law while reserving the right to challenge it through legal and other appropriate means when the most basic tests for public policy are not met. (M4, p. 20); and

There are health risks associated with smoking. For that reason we believe the decision to smoke or not to smoke is one for informed adults to make. We will support, as we have over the years, any reasonable and workable proposals to discourage smoking by under-age Canadians and to limit their access to tobacco products. (M2, pp. 72-73).

The group made significant attempts to portray itself as mischaracterized by "many" (M5, p. 17). They also attempted to suggest that they were rational and reasonable because they "do not question the right of the federal government to pursue policies aimed at reducing smoking prevalence and consumption" (M4, p. 1), apply voluntary codes on event sponsorship and advertising (M1; M2; M4; M5), and funded programs to "help retailers obey the law" (M4, p. 1). Lastly, CTMC believed that manufacturers were the root of positive economic and cultural impacts on communities, as they had "long

been involved in the sponsorship of sports and cultural events”, which have had “a significant positive economic and cultural impact on the communities in which the events take place” (M4, p. 15).

Cited problems. The most evident perceived problem was cited as a “de facto ban on tobacco product advertising...and event sponsorships” (M1; M4, p. 1), which CTMC argued, “could still today contain provisions clearly in violation of the Canadian Charter of Rights and Freedoms” (M5, p. 18). Manufacturers argued that Bill C-71,

[I]n reality imposes the same total ban on advertising that the Supreme Court of Canada found to be unconstitutional... without a word of justification, it is simply re-enacting something the Supreme of Court of Canada less than two years ago found to be unconstitutional. (M5, p. 19)

Another problem cited was the undemocratically short Health Committee hearings, which resulted in insufficient time to review the Bill and incomplete “consultations with affected parties, including the industry” (M2, p. 73). Furthermore, the manufacturers argued the bill provided poor or no descriptions of permitted informational and brand preference advertising, as well as vagueness of non-permitted lifestyle advertising, which was suggested to be too difficult to avoid in advertising, evidenced by Irving’s rhetorical questions:

Who is to know what is likely to evoke a positive or negative emotion? In how many people does it evoke the emotion? Is it in a majority of people or in one or two people? What is a negative emotion about a way of life or an aspect of living? (M3, p. 75)

It was also cited that there was a lack of government evidence linking health objectives to restrictions, exhibited in the statements: "There is not one scintilla of direct evidence that the bill will be successful in achieving its stated effect" (M2, p. 73) and "While it will not reduce smoking, Bill C-71 will cause extensive harm: thousands of jobs and hundreds of millions of dollars lost" (M3, p. 74). Other problems included: a transfer of authority from legislative to regulatory power without standards of stated goals (e.g., "fully 19 key areas of the bill delegate away from Parliament complete control" [M2, p. 73]); a small number of provisions regarding the appearance of tobacco trade marks on other products; and the presence of "several areas [of the bill] in which crimes that could lead to imprisonment or heavy fines are committed" (M3, p. 74) including the punishment of challenging an inspector; and warrantless entry and seizure of property. Lastly, the manufacturers argued that there was no transitional period for sponsorships, and then later when one was set for October 1998, they argued that there were no transitional provisions for the phase-in period.

The US-based Swedish Match was most concerned about being required to disclose "product composition and ingredients" (M6, p. 1) and the prohibition of "testimonials and endorsements, including the depiction of persons, characters or animals, whether real or fictional, on a grandfathered basis" (M6, p. 1) because their status as a trademark did not qualify for the grandfather clause in the Bill C-71 regulations, as it did with North American Free Trade Agreement (NAFTA) regulations.

CTMC also listed many problems that did not directly affect them. For example: loss of employment and economic spin-off in communities that host manufacturers' sponsored events; layoffs attributed to minors employed at retail outlets (although it

agreed that this would not be certain); loss of brand promotion at retail outlets; potential requirements for retailers to display only one package per brand and then later the possibility of regulatory power to construct new displays; criminality of an unlawful piece of advertising being charged each day as a separate offence; poor definition of promotion that was not translated well enough for advertisers to feel comfortable to produce materials in French (M4).

Proposed solutions. CTMC first and foremost believed that the bill should be redrafted “without leaving it subject to future failure due to constitutional violations and other deficiencies” (M4, p. 20). During its presentation to the Health Committee, CTMC asked for ten additional days to review the bill (M2). The manufacturers also argued that it was necessary to include a six-month delay after Royal Assent to allow the industry to remove the advertising “that will no longer be legal” and allow the government time to produce all necessary regulations (M4, p. 19). Furthermore, the Council requested that government undertake policies that recognize that the rebellious nature of adolescents is the most frequent predictor of smoking (M4). The industry also favoured their current education program with retailers, suggesting that targeting unlawful retailers would solve problems associated with underage smoking.

Swedish Match identified very few solutions in accordance with their detailed problems. The company suggested that section 21 of the Bill, pertaining to the prohibitions of testimonials and endorsements on a grandfathered basis, should be removed, or change the date for grandfathering to “at least the date on which section 21 becomes effective” followed by the threat “so as to avert possible expropriation claims

against Canada" (M6, p. 1). The alternative (presented as highly unlikely) was for Canada to compensate owners of trademarks not grandfathered.

Tobacco Distributors and Retailers

Identity. The distributors and retailers were linked as one group of stakeholders, as they were both members of the distribution channel. The distributors often portrayed themselves as the "indispensable" link (DR2, p. 58) in the legal distribution chain of tobacco and many other food products that worked closely with retailers; however, retailers did not reciprocate the sentiment of connection. Alternatively, tobacco products retailers spoke broadly in terms of the effects of legislation on all retailers and rarely mentioned distributors. Retailers saw themselves as the front-line "policemen" (DR5, p. 1) dealing with the majority of repercussions of breaking regulation, and it appeared to unite them. The unity felt between groups was not discussed explicitly; however, in briefs and during individual presentations, retailers' concerns and proposed solutions were framed on the basis that the legislative restrictions would affect all retailers. Examples included: "The retailers will comply with all regulations" (DR5, p. 2); "Retailers will be bound by new display restrictions so that only one package per brand of tobacco product may be displayed (Section 33). This will require huge expenses to be incurred by the retailer..." (DR16, p. 2); and "Our concerns with Bill C-71 pertain mainly to the impact its measures will have on retailers and their livelihoods" (DR11). Furthermore, opinions on tobacco issues were often cited as agreed on by "most retailers", even if coming from an individual retailer (DR5, p. 1). However, retailers did distinguish themselves based on their status as a member of a chain or an independent store and compared numbers of outlets, typical of the competitive nature of the grocery sector, as cited by John Scott of

Canadian Federation of Independent Grocers (DR11). To differentiate themselves from all other retailers, Ontario Korean Businessmen's Association cited ethnic and language differences, as they came together as "first-generation Korean-Canadian immigrants" of whom "English is not the first language and, therefore, it is difficult for us to understand laws that are unclear and ambiguous" (DR16, p. 3). They stated that they represented over "10% or better of all convenience stores in the industry and several times larger than the chain stores put together" (DR16, p. 1). Additionally, Consolidation of Operators of Vending Cigarettes (REDAC) was fundamentally different than all other retailers because instead of being a retail outlet, the company owned vending machines often placed in adult establishments that only sold tobacco products (DR3; DR12).

The distributors and retailers presented themselves as providers of first-time employment to students (DR5; DR16). The President of the Canadian Federation of Independent Grocers described his group as non-profit with a specific interest in independent grocers, those who would be the most affected victims of the legislation (DR11). A group consisting of tobacco manufacturers, distributors and retailers, Canadian Coalition for Responsible Tobacco Retailing -- Operation I.D., presented itself as a collaborative effort to cut down on the sale of tobacco to minors by creating point of sale education packages to assist retailers with asking proof of age.

Cited problems. Many distributors and retailers cited problems with the possible negative impact of Bill C-71 on employment (DR1; DR2) and on small businesses (DR1, DR2; DR9; DR13) evidenced in the statements: "independents will disappear" (DR2, p. 60) and "The aim of a sensible legislation would be to deter people from violating the law, not to put people out of business" (DR2, p. 57). More specifically, distributors and

retailers were concerned with: the banning of retail self-service displays (DR1); loss of point of sale product advertisement (e.g., “Without the \$60 million paid by the manufacturers to retailers, profitability would be seriously affected for very many retailers across Canada” (DR2, p. 58; DR1; DR8); restrictions on display of packages at retail (DR1); and cash rebates at retail (DR13), which are used to “offset the costs of carrying many low-margin products” (DR11, p. 24). As well, the cost associated with reconfiguration of tobacco displays to accommodate only one package in view (DR1; DR8; DR16); lack of a transitional period to change displays (DR16); and the possibility of high penalties on retailers (DR1) were mentioned. Additionally, the stakeholder group cited the introduction of mandatory reporting requirements on tobacco products shipments as “unnecessary” and a “costly administrative burden” for the entire distribution channel (and governments) (DR13). As well, the group was concerned about their ability ‘to communicate any information about a product of its price and distribution that are likely to influence and shape attitudes, beliefs and behaviours about the product or service’ (DR13, p. 6). The group was upset about the lack of in-depth consultations (DR4) and the fact that regulations were not to be released until a later date (DR1). Additionally, they were angered that inspectors would have the authority to enter any warehouse without cause (DR1; DR8; DR16).

In addition to the cited problems at retail discussed above, tobacco retailers, as a separate entity, were most concerned with: increased enforcement roles of their employees (DR5; DR6); an increase in the minimum age of employees, “forc[ing] us to lay off teen-aged employees” (DR5; DR8, p. 26; DR16); and increased pressure to ask for identification despite contradictory federal laws that do not require citizens to carry

identification (DR8; DR16). They also suggested that “significant discrepancies between products forced onto the market according to new standards (yet unknown) and what consumers would like to use...would create a perfect opportunity for smugglers to supply the market with untaxed consumer-preferred products” (DR13, p. 5).

Proposed solutions. Distributors and retailers believed the bill should be “abrogated or amended to reflect the concerns we have raised” (DR9, p. 7)—although they offered no specific solutions. They asked for upfront regulations and consultations, evidenced by the statements:

I guess the ideal situation would be to have everything included in the law so that we can discuss it and bring forward and present our views to the committee, so that sensible regulations could be put in place. (DR2, p. 60; DR5)

And,

We’d love to take part in some form of consultation, as I think we have a very, very important point to bring. We represent a lot of people, creating a lot of jobs, and a lot of the small operators that should be taken care of by the government.

(DR2, p. 60)

He continued to say, “Health people are specialized in the sphere of health activities. We must bring more people in to make sure we have as wide angle a view as possible when we look at this, then we don’t take a tunnel vision approach” (DR2, p. 60). Michel

Nadeau of the Canadian Council of Grocery Distributors stated:

I always draw an analogy with the excellent work being done in the area of alcoholic-beverages. A few years ago, an organization called Edu-alcool was set up. It is funded through contributions by distillers. It organizes campaigns to

inform the public about the dangers of abusing alcohol. Similarly we believe that it is possible to work on a long-term basis to educate young people about tobacco so that they will not start smoking. (DR4, p. 3)

As well, they suggested leaving the status quo on the situation, suggesting, "I can't seem to understand what taking away advertising at the store level is going to do. It's not the solution" (DR2, p. 59); "eliminating cash rebates would create substantial losses for wholesalers and retailers and will not achieve government objectives" (DR13, p. 5); and "hide[ing] the dispensing devices in the kitchens, in cupboards or in the cloakroom...would serve no purpose and would not reduce sales" (DR3, p. 21). They also suggested that an industry-funded proof of age program operating at retail outlets "works much better than some of the government programs" (DR8, p. 29).

Allied Industries

Identity. Many of the allied industry members were heavily tied to tobacco manufacturers as clients of their services. For example, one of the allied industries produced non-tobacco products for tobacco manufacturers, and was represented by the owners of a few small companies who spoke for all of their employees and stakeholders (e.g., Corporate Classics, Eddy Match, Flashmédia, and F.P. Labour Consultant Services). The industry's members specifically indicated being located either in Quebec (e.g., Flashmédia), or close to the province (e.g., Eddy Match, in Pembroke, Ontario). The tourism industry was represented by allied company executives, including two former federal Liberal Cabinet Ministers. The advertisers were also represented in another coalition named the Coalition for Commercial Freedom of Speech, which was represented by Rupert Brendan, the Chairman. The group made explicit efforts to clearly

state that its membership included Canadian advertising giants such as: Outdoor Advertising Association of Canada; Canadian Magazine Publishers Association; Association of Quebec Advertising Agencies; Institute of Canadian Advertising; CTV; Maclean Hunter; and The Toronto Sun (AI7). Any statements made by the coalition were attributed to the beliefs of the seven large advertising associations.

Two other parallel industries represented the interests of the tobacco industry on an international scale: Mary Ann Afford, President of International Trademark Association, who spoke on behalf of the organization, but alluded to the support of a membership of over 3200 international organizations in over 117 countries (AI18); and International Management Group, a company used by tobacco manufacturers to find events to sponsor, was represented by Michael Merrall, the Managing Director of Event Marketing.

Cited problems. The major concerns explicitly mentioned by allied industries included: government attempting to pass legislation with consultation (AI1; AI2; AI4); government fast tracking passage and eliminating right to express views (AI1; AI2); government's regulatory powers to be abusive to create a back-door ban on packaging (AI6; AI17); government's intentional back-door ban on outdoor advertising (AI3, AI19); government's inability to prove a cause and effect relationship between tobacco publicity and an increase in cigarette consumption (AI3; AI11); and the assumption of fatal losses of business and the subsequent job losses for employees (AI1; AI2; AI6; AI17; AI10).

Advertisers were also concerned that a complete ban on outdoor advertising was occurring that discriminated against their field and infringed on the freedom of expression. Advertisers also worried that the onus was placed upon the accused,

including too large of a penalty for violation. Additionally they were concerned that the wording of the Bill was too vague regarding “advertising” and “promotion” because the descriptions used the words “sign” and “publication” without proper definitions (AI7; AI12; AI19). It was also argued that no transition period for advertisers was granted, as was for sponsorship (AI19). It was pervasively noticed by sponsorship organizers that the competition among events to secure sponsorship was at the time extremely difficult and would only get worse after legislation, especially considering the economy (AI5; AI13).

A smaller number of interpreted implicit problems appeared during analysis. In this list, companies argued that: government was interfering with the market (AI18); government was acting unfairly by targeting companies that were not involved in tobacco (AI1; AI2); government had too much authority to make quick decisions (AI6); and government was embarking on a larger initiative than what was presented in legislation (and setting an international precedent to do so) (AI6; AI17; AI18).

Proposed solutions. Many stakeholders in this group presented solutions specific to their industry, however, it was agreed on by many that leaving the status quo was most desirable. A small number of stakeholders suggested that the first steps to a solution were a redrafting of the bill, inclusion of their companies providing witness at parliamentary hearings, and receiving definitive answers from parliament regarding their concerns (AI1/AI2; AI3; AI17). Advertisers suggested government compensate its sector’s employees for their “sudden loss of jobs without notice or without any reasonable opportunity to plan alternative employment” (AI2, p. 2; AI19). Furthermore, they also suggested a tobacco advertisement pre-authorization system be set up to catch problems before advertising is publicly seen (AI7). It was also recommended that government

extend advertising provisions to meet the October 1, 1998 implementation deadline of the sponsorship provisions (AI19). OAAC representatives even suggested that government use advertising to its full advantage and offer anti-smoking messages aimed at youth in place of legislation, and if that suggestion was not considered then government should ban tobacco altogether.

Sponsored events organizers

Identity. A large majority of tobacco industry representatives were from arts and sports organizations or events, most of whom were members of either the Canadian Conference of the Arts (CCA) and/or Alliance for Sponsorship Freedom (ASF). The two groups suggested that they formally and informally represented all arts groups in Canada. CCA represented groups regardless of whether or not they were sponsored by tobacco companies, whereas ASF's 250-370 members were all tobacco company sponsored groups. The individual events and organizations often immediately cited their not-for-profit statuses (SEO8; SEO13; SEO20; SEO22) and presented themselves as hardworking, efficient, unique and valuable to Canadian culture. For example, Theatre of Northern Ontario (TNO) stated that it was the only francophone theatre company in the area, as well as the new home to the first francophone theatre outside Quebec (SEO28). Furthermore, many valued themselves as responsible for the positive economic ripple effects on their communities and cities.

Events organizers also brought attention to their networks, and cited voices of allies when making statements of opinion. For example, Jane MacDonald of the Vancouver International Film Festival cited the opinions of a group of organizations in Vancouver more than she did her own event (SEO2). Furthermore, Max Beck, General

Manager of Ontario Place spoke of the Harbourfront Centre as an "ally on the waterfront of Toronto" (SEO12, p. 2) and ensured the committee that he knew "Tourism Toronto and the Board of Trade of Metropolitan Toronto [were] very opposed to this legislation" (SEO12, p. 4). The trend of geographically-based coalitions or working groups were prevalent across the country, but specifically in Montreal, Toronto and Vancouver.

The Canadian Conference of the Arts cited being more affected than individual groups, as they are the representative board responsible for any legal problems associated with member artists' affiliations with tobacco companies.

Cited problems. The most prominent problem was the fact that sponsored groups believed that sponsorships would cease to exist after the Bill. They argued that the Bill proposed too-severe restrictions on sponsorship activities including the size of the sponsor's name on advertisements, the type of advertising that could take place (e.g., no lifestyle advertising), the audience to whom the advertisement could be distributed, and where advertising could take place (on site only). Sponsored events and organizations were furious at the lack of freedom to promote their events and recognize their tobacco company sponsors. For example, Robert Kerr of the International Jazz Festival argued, "Bill C-71 is deceptive and fraudulent on the issue of sponsorships. While claiming to continue to allow them, the bill straitjackets sponsorships with so many promotion restrictions and impending regulations that it makes them nearly meaningless to tobacco companies" (SEO11, p. 89). The events organizers claimed that it was already difficult to obtain sponsorship, and the Bill would make it more competitive. All of this would lead to job losses.

Additional cited problems included: a lack of time to review Bill C-71 (SEO6; SEO13; SEO15); a vaguely written legislation (SEO6); too many regulatory powers in the legislation (coming into effect after royal assent of the bill), which did not allow for proper public consultation (SEO1; SEO6; SEO9; SEO10; SEO13; SEO15); a failure of political will to fund arts groups (SEO6; SEO14; SEO20; SEO21; SEO28); the unavailability of health ministers to meet or consult with companies (SEO15; SEO18); a decrease in general freedoms of citizens and companies, including free market values (SEO2; SEO20; SEO21); a hypocritical government that initially encouraged arts groups to find private sponsors, then stripped away the legality of these business relationships (SEO2; SEO14; SEO22); an increased pressure on volunteers to be held accountable to decisions made about how a sponsorship event should advertise (SEO22); a belief that government's objectives were not linked to its desired outcomes (SEO13); and government having a larger agenda than publicly presented, which would lead to a slippery slope of restrictions on freedom (SEO13; SEO21).

More uncommon problems cited were reflective of the representatives' unique positions. For example, as the leader of arts groups, the CCA was angered about the steep penalties on the boards of arts organization (instead of tobacco manufacturers or individual artists) for breaches of legislation (SEO6). The CCA also argued that legislators were getting the wrong impression about the economic impacts of legislation because of the representation of a group called the Artists for Tobacco-Free Sponsorship at hearings—a group that CCA said had created a divide among artists.

Proposed solutions. Tennis Canada suggested that the government stop fast-tracking the bill and take the time to fully examine, research, debate and amend the bill

before third reading—essentially the association asked for the continuation of the status quo (SEO26). CCA offered the solution to “...retain tobacco sponsorship, but to develop a package of restrictions that would address those public health concerns, namely measures that would not see the use of sponsorship to promote smoking consumption or behaviour among children and young people” (SEO6, p. 50). The CCA also suggested adopting proposed regulations that are similar to the Ontario model of alcohol sponsorships where the sponsor, not the event or venue, is charged if there is a violation (SEO6). It was also argued on occasion that a transition period of five years should be required for the implementation of the restrictions, or the legislation of a grandfather clause to enable companies to continue in future contracts (SEO11, SEO18, SEO22). Overall, it was agreed by members of CCA that, “We can make this discussion and all future sponsorship discussion go away by a strong political will to have a reasonable and adequate level of public investment in the arts” (SEO6, p. 52). However, later CCA rejected replacement revenue from governments via provincial lotteries or an alternate revenue scheme through the tax system (SEO22). ASF suggested that the status quo of the sponsorship situation continue, meaning that organizations should have the right to seek, accept or reject sponsorship funding (SEO18). MacDonald of VIFF suggested that sponsorships not be affected by government’s qualms with tobacco companies; she suggested that government should “discuss its concerns with the industry involved” (SEO2, p. 2).

Independents

Identity. The independent stakeholder group members were from Quebec, but did not affiliate themselves with any particular institution or organization. Pierre Lemieux

was identified as an academic by his e-mail address on his brief; whereas, John Luik suggested "I have worked, for example, for many health care organizations on a variety of health-related issues. To be fair, I have also undertaken work for a number of tobacco companies..." (I4, p. 21). Luik neglected to explicitly state he was working for a tobacco company at the time, although this was clear as he presented studies from a book he wrote that was commissioned by tobacco companies.

Problems cited. Lemieux had very explicit concerns about the government being on a moralistic crusade to prohibit pleasure, modify the behaviour of the population and ultimately turn Canada into an administrative tyranny. Lemieux cited being concerned that citizens' dependence on the state was increasing as the state was entrenching on private property. He argued that the newest threat on freedoms was the ban on tobacco sponsored events and tobacco advertising. Luik commented primarily on the government inability to "come up with no more evidence than they had and presented at the hearings and lawsuits involving the [Tobacco Products Control Act]" (I4, p. 23). He more specifically suggested that the government "claim of what advertising is trying to do in terms of increasing aggregate market size is not true" (I4, p. 23). He also argued:

[T]here is absolutely no correlation between the degree of severity of restrictions on advertising or of the success of bans and whether there is any impact on whether young people continue or start smoking or whether tobacco consumption is reduced. (I4, p. 25)

Proposed solutions. Lemieux argued, "if there's any type of advertising that should be prohibited, it's the lying propaganda of the State" (I2, p. 36). He also suggested that the government should "stop modifying people's behaviour to make it conform to

[its health promotion] models" (I2, p. 36). Luik's approach took a different direction, arguing,

[I]f members of this committee are really interested in coming to a definitive answer to this problem – which goes below the surface...then I suggest that you look at and give serious consideration to the work of the National Forum on Health rather than pursuing an agenda which looks at superficial and ultimately futile things. (I4, p. 27)

The deeper solutions to solving youth smoking involved targeting the determinants of health outlined in the National Forum on Health report released by the government.

Including focusing on:

[F]ostering positive healthy home environments; decreasing socioeconomic disparities and inequities among youth; keeping youth in school; addressing literacy concerns; actively involving youth in healthy sport and recreational activities; providing role models and mentors; increasing coping mechanisms; and enhancing competency and self-esteem. (I4, p. 27)

Summary

The descriptions in this chapter attempted to create a better sense of the identity portrayed by each stakeholder group in their submissions. The problems and solutions also provided a better sense of each stakeholder's connection to the Bill. This is important to understand because identities, problems and solutions are all part of building tactical discussion. The following chapter will focus on examining and explaining the discursive tactics used to present these issues to legislators in order to favour their individual interests, as well as that of the tobacco industry as a whole.

CHAPTER 5

Descriptive and Interpretive Findings- Level II Analysis

This chapter draws on insights from the first-level analysis to generate insights for the second-level analysis—the specific research questions of the study. This analysis has taken into consideration all initial descriptions and interpretations of the texts to categorize them into more concise examples of discursive tactics. References to quotes from original texts are integrated within each question to illustrate the analysis (Appendix B).

Question 1. How were smoking and tobacco discussed in the texts?

Upon examination of texts, it was evident that tobacco industry stakeholders often used descriptions and metaphors to depict their opinions about tobacco and smoking. These devices provided substantial information about stakeholders' implicit sentiments toward tobacco, pointing to potential underlying values. This additionally assisted in determining whether or not stakeholders ultimately supported or rejected tobacco control legislation.

Tobacco was discussed in the texts as: a “legal, unrestricted product” being controlled by secondary measures (DR5); a “way of life” and “agricultural backbone of a community” (G1); “not an impulse item”, like bread, chips or a chocolate bar (DR2); and “similar to alcohol” (DR2). These descriptions and metaphors were generally supportive of tobacco, essentially discussing the product as legal and normal. This likely occurred as *tobacco* was often discussed as a product in the context of manufacturing.

Similar to *tobacco*, the activity of *smoking* was described positively in the texts as: an “adult decision” (all CTMC texts); “normal” and “positive” (G1); a “normal

behaviour", comparable to driving a car; a "risk" comparable to driving a car or skiing (I2); similar to other everyday socially-acceptable vices such as caffeine (e.g., "I am not going to ask if any of you use tobacco. I admit that I smoke—and drink coffee!" [AI20, p. 1]); a "preventative measure against Alzheimer's disease" (I1); a "method to combat obesity", which kills as many people as smoking does (I2); an "exercise of an individual's freedom of choice" (I2); a "pleasure" (I2); comparable in status to a *sex* "fantasy or fetish" (I2); "difficult to quit" and "easy to quit" or "not-addictive" (evidenced by the similar numbers of current smokers and former smokers in Canada) (M2); and similarly, a "choice" (to start and to stop) (SEO20). However, few explicitly negative descriptions were also cited to describe smoking as: "harmful" (AI4; AI5; DR4; I2); a "habit" (AI15; DR10; G2; SEO3); "devastating" and "dangerous" (DR4); "especially tempting to youth" (DR4). This is likely because *smoking*, in comparison to *tobacco* was discussed in a more societal context.

It may appear that the frequency of negative descriptors of smoking (e.g., harmful, a habit) prevailed over positive; however, in many cases the negative descriptors were used to provide superficial support to government health objectives, and were often followed by statements that suggested that negative economic impacts outweighed possible negative health effects. For example, Charles Lapointe of the Greater Montreal Tourism Bureau suggested,

Let me point out that we are not here today to say that we do not regret that smoking is habit-forming or that it can cause certain illnesses. We are here to tell you that we believe the bill is ill-conceived, particularly the provisions respecting tobacco sponsorship. (AI15, p. 7)

Ironically, despite *smoking* being portrayed somewhat positively, many industry stakeholders suggested smoking was the result of a number of factors, which would be normally understood as negative. For example, smoking was discussed as the result of high unemployment rates, low wages, tension in Canada's workplace, and poverty (SEO21). It was also discussed as primarily caused by peer pressure in youth smokers (DR2, DR4, DR14, I4, M5, SEO13, SEO25). Other causes included stress, family problems, and "societal problems" in general (DR2, p. 62). Youth smoking was also suggested to be linked to: major stars smoking in American films (AI5); youth rebelliousness (M5); low self-esteem (I4); low economic performance (I4); social economic factors (I4); risk-taking (I4); and parental influences (M5). Interestingly, tobacco product advertising was only linked as a probable cause of smoking initiation on one occasion (SEO18). Of note is the negative causes of tobacco are all *societal*, or problems that individual consumers or the government is to blame for, not tobacco companies.

Tobacco companies deflected blame by discussing smoking as a government created and maintained phenomenon. One representative criticized the Liberal Party of Canada for accepting donations from tobacco companies (SEO21). Another argued that the Minister of Health had increased media coverage surrounding Bill C-71, bringing attention to a forbidden fruit, which encouraged smoking for youth (I2). Furthermore, government's attempts to ban tobacco advertising had resulted in increased tobacco consumption levels (M4), which resulted in government profiting from large tobacco taxes (even in hospital confection shops) (SEO20). The government was additionally blamed for creating "ridiculous propaganda" on second-hand smoke that downplayed the

danger of tobacco and hard drugs, which encouraged tobacco consumption (I4).

Additionally, allied industry members argued that they had been preemptively self-regulating, avoiding placing advertisements near schools; however, they viewed this as only part of the solution. In general, it was suggested that government was using superficial measures and downloading enforcement and accountability responsibilities to the tobacco industry to mask the “real problems that cause young people to take up smoking” (i.e., social inequalities and consumer action) (AI11, p. 49).

Interestingly, in situations where tobacco or smoking was explicitly framed as positive or negative via metaphor or description, implicit beliefs were demonstrated in statements. For example, “There is no proof whatsoever that the legislation will reduce smoking. On the contrary, a large body of evidence point to the opposite result, that smoking will increase due to this legislation, something none of us want to see happen” (AI3, p. 1). The full text from which this excerpt was taken lacked an explicit explanation of the company’s beliefs; however, they were evident, as the representative did not support the possibility of increased tobacco consumption rates. Similarly, Luc Lacharité opened the presentation for the Board of Trade of Metropolitan Montreal saying, “I don’t have a smoker’s voice, but I would like to apologize for my voice today” (AI4, p. 32). He implicitly suggested that he was not a smoker, and that he did not want to be categorized among smokers, which he may have assumed would cause him to be perceived negatively by other stakeholders and the committee. Additionally, all tobacco company sponsored arts and sports groups implicitly described tobacco as harmful by taking the position that their events and organizations did not encourage young people to smoke. One sport group even suggested that its activities, despite being financially supported by

tobacco companies, discouraged tobacco use and encouraged participation in sport, which neutralized the possible harmful effects of tobacco sponsorship. Moreover, most manufacturers made little reference to smoking (all except Swedish Match, which did not acknowledge tobacco or health whatsoever), but always opened their statements with the acknowledgement that "There are health risks associated with smoking. For that reason we believe the decision to smoke or not to smoke is one for informed adults to make" (M2, p. 72; M1; M4; M5). Despite acknowledging tobacco as harmful, the Canadian Tobacco Manufacturers Council (CTMC) avoided relating tobacco specifically to death by evading details about why smokers leave the tobacco market, even when probed. This was seen as Senator Kenny asked, "Given that 40,000 smokers die a year, where do you get new ones?" (Canada. Parliament. Senate. Standing Committee on Legal and Constitutional Affairs. *Evidence of Proceedings*, Issue No. 52, April 1 1997) Parker suggested, "a predictable number of people stop smoking every year, and a more or less predictable number start smoking every year. That has been going on for 10 years" (M5, p. 23). No discussion of death or dying followed.

Overall, it appeared throughout texts that discussions criticizing legislation framed tobacco and smoking positively; and discussions supporting government health objectives generally framed tobacco and smoking negatively, or as harmful to health. Quite often both positive and negative discussions appeared in the same presentation or brief. This indicated that an internal contradiction existed among tobacco industry stakeholders on the issues of tobacco and smoking. Generally, support for government health objectives was marginalized when representatives defended their self-interested, primarily economic concerns. Thus, despite supportive words towards the absence of ill-

health, no support was provided to general health and well-being. Many groups and individuals' opinions, values, and intentions (i.e., whether to oppose or support the bill) were revealed by how they discussed tobacco and smoking, and in turn ignored sincere discussion on health as more than the absence of illness. The specific variations were found using Potter and Wetherell's (1994) "reading for detail" analytic consideration.

Question 2. What discursive tactics were used by tobacco industry stakeholders to justify their position?

The type of discourse analysis used in this study integrated the context and the text to interpret the actions present in the discourse (see Chapter 3). The discursive tactics examined in the study relied heavily on the researcher's contextual understanding of the situation. However, the interpretations of words, phrases and arguments within texts continually shaped the context of the discourse as well. It was found that many discursive tactics were connected to one another and even existed as one within another. The tactics discussed are not ranked and are numbered for identification purposes only.

Table 11

Tactic Numbers and Titles Organized by Category

Tactic No.	Tactic Title
Tactics regarding presentation of self	
1.1	Creating an identity as a victim
1.2	Using implication to create a parallel between a personal image and a company
1.3	Implicating a sense of unity to create a larger, more powerful front
1.4	Appealing to a community feeling
Tactics to undermine government	
2.1	Attributing increases in tobacco consumption to government
2.2	Blaming government for negative consequences of the Bill
2.3	Suggesting Bill C-71 is counter-Canadian-tradition
2.4	Relating government efforts to a totalitarian regime
2.5	Implying threats to government sustainability via framing Canadian citizens as voters
Tactics surrounding evidence	
3.1	Manipulating or denying counter evidence
3.2	Presenting misleading evidence
3.3	Using personal story as evidence
Tactics using intentional discourse types and rhetorical devices	
4.1	Using health discourse to mock health objectives of the Bill
4.2	Describing government and legislation as anti-constitutional and undemocratic
4.3	Emphasizing legal discourse
4.4	Using non-stigmatizing language to appear non-judgmental
4.5	Repetition as a rhetorical device
Tactics to avoid health discourse	
5.1	Presenting superficial support for health objectives
5.2	Avoiding connection to tobacco companies to avoid discussion on health

Tactics to increase economic discourse

- 6.1 Framing selves as entrepreneurs
- 6.2 Emphasizing legislative outcomes as economically beneficial to foreign nations and hurtful to Canada
- 6.3 Creating an atmosphere for consumer-based solution
- 6.4 Suggesting a market solution already in place or no solution

Miscellaneous tactics

- 7.1 Emphasizing tacit disagreement between French and English Canadians
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Category 1: Tactics regarding presentation of self

Tobacco industry representatives tactically created many identities in texts that were intended to gain legislator sympathy and support. One of the major identities involved representatives portraying themselves as victims of negative outcomes of past or present government decision-making. Tobacco industry representatives also created positive personal images of themselves, which they tactically extended onto their companies to suggest that the company and its stakeholders shared similar values and morals. Similarly, tobacco industry representatives appealed to a "community" feeling to positively characterize their grassroots connectedness and personal contributions to their communities. Appeals to strong ties and unity among stakeholders were also tactically employed to create a large front of representation.

Tactic 1.1: Creating an identity as a victim

Example 1. Franck Menich, representative of the Ontario Flue-Cured Tobacco Grower's Marketing Board, portrayed farmers as victims as he described the 1990s increase in tobacco smuggling. During the time, tobacco companies were manufacturing tobacco for export to evade paying Canadian taxes, and smuggling it back into Canada for Canadian consumption through illicit channels. In his suggestions that growers were

victimized, Menich argued that farmers had been providing raw leaf tobacco to manufacturers for exportation, which collected one dollar less per shipment and resulted in large economic losses for farmers in comparison to domestic tobacco. However, his portrayal of farmers as victims was misleading because he did not provide the quantity of a "shipment" and only suggested that it was a heavy impact, without presenting a distinctive figure, as he had cited other economic impact arguments. Additionally, he neglected to mention that tobacco consumption had been on a decline leading up to the era of smuggling and the ability for tobacco growers to continue to provide raw leaf tobacco to manufacturers (legal and soon-to-be-illegal) had assisted growers in maintaining profit levels. He further suggested that growers unfairly gained a negative reputation during the time of smuggling period, "we suffered greatly on that whole tax issue with smuggling. We're well aware of what the impact on us will be if legislation changes the consumers' thoughts of Canadian tobacco" (G1, p. 45).

Example 2. The allied industry manufacturers used their small sizes and personal stories to mold convincing narrative stories of the suffering they had endured as victims of poor economic times and as future victims of legislation. One example of such was a presentation by David Pigott, the President and CEO of Eddy Match Company Limited. He emphasized the age of his historic company isolated in the "economically depressed" Ottawa Valley (AI10, p. 50), a company that was undergoing desperate times when he purchased it to save the employees from the American counterpart that wanted to close the plant (AI10). He further portrayed his company as a victim by saying that "the influx very inexpensive plastic disposable lighters took away "600 jobs that used to exist in the Canadian Match business" (AI10, p. 50) and "as American manufacturers try to drive us

out of business in order to gain a larger piece of the declining market" (AI10, p. 50). The narrative was intended to frame Pigott as entrepreneurial, as well as a victim of government's ratification to the North American Free Trade Agreement (NAFTA) that was known to have taken away low-skill jobs in the early 1990s. Pigott also claimed to "know little about legal and constitutional issues" (AI10, p. 49), and his employees to be unable to transition into similar jobs because of their isolated geographic location and lack of skills "to be retrained for anything more than counter help at McDonald's of Becker's" (AI10, p. 50).

Example 3. Tobacco industry distributors and retailers often attempted to portray their companies as small and independent businesses that were most vulnerable to negative economic consequences of the legislation. NATCD augmented their use of this tactic throughout the hearings. This was noticed as NATCD's first submitted brief simply described its members as "independent wholesale-distributors from coast to coast" (DR1, p. 1). Whereas, in the second brief, NATCD said, "Since most of our members are independent, family-owned wholesalers, servicing most of the independent convenience stores in Canada, many would lose clients, resulting in job loss, both at the retail and wholesale levels" (DR13, p. 4). It appeared that NATCD believed it to be beneficial to emphasize the profiles of their members to ensure legislators saw small, independent groups as specifically vulnerable.

Other various accounts of victimization were specifically noticed in arts and sports sponsored companies as one representative suggested, "I really do believe that we are the only loser in this whole debate" (SEO5, p. 43) and another begged, "Please help us" (SEO2, p. 1). They described themselves as the "beleaguered sector" (SEO6, p. 51)

or as “hostages” in the situation (SEO6, p. 52). Additionally, sponsored events organizers often stated that decreased political will to fund arts had led to over ten years of cuts to funding (SEO6/SEO22).

Tactic 1.2: Using implication to create a parallel between a personal image and a company

Example 1. Richard Legendre of Tennis Canada suggested, “I don’t smoke and the reason for that is that as a teenager I played tennis. Nobody ever prevented me from smoking, but playing tennis and smoking were simply incompatible” (SEO13, p. 109). Legendre linked his healthy, active lifestyle to that of his company, which he presented later as a company that promotes a sport to help youth stay away from smoking. Another Tennis Canada representative suggested “I have two daughters and am very much anti-smoking. I have never smoked myself” (SEO7, p. 111). The examples demonstrated that individual representatives drew on their personal lives as athletes, non-smokers and family role models to relay the image onto their company, Tennis Canada.

Example 2. Raymond Greenwood attempted to portray his company as a family event saying, “I have a ten-year-old son who attends it every night...I do not feel for one minute it makes children go out and smoke. We do not offer cigarettes at English Bay” (SEO15, p. 45).

Example 3. Max Beck spoke about his family of non-smokers and his sponsored Benson & Hedges fireworks event to demonstrate that he and his company do not agree with smoking, but tolerate it, and do not believe that event sponsorship is linked to tobacco consumption. Beck said,

I am a non-smoker. I tried. My daughters are non-smokers. My mother will turn 80 in a couple days and she smoked all her life. She has tried to stop a few times and has not been able to stop. The doctor tells her all the time to give up smoking. I have given up trying to tell her. I am not sure if she smokes Benson & Hedges or not. (SEO18, p. 35)

Tactic 1.3: Implicating a sense of unity to create a larger, more powerful front

Example 1. Alliance for Sponsorship Freedom (ASF) argued the reason for its creation was due to its members being “stonewalled” by the Minister of Health when attempting to consult as individuals (AI10, p. 54; SEO18, p. 34; SEO19, p. 6). The group cited its membership as 200, 250, 300 and 370 at various times throughout the committee hearings, which reflected the Association’s perceived importance to ensure the most accurate, highest number of supporters was cited.

Example 2. Some groups, particularly in the distributor and retailer and allied industry stakeholder groups, emphasized their large memberships and national scope to demonstrate their unity. For example, Graphic Communications International Union Local 100-M (a.k.a. F.P. Labour Consultant Services) suggested it “represents over 4000 Members in the printing and packaging industry”, but then mentioned that “GCUI has 1200 Members who will lose their jobs” due to possible regulations on tobacco packaging (i.e., plain packaging of tobacco products) (AI16, p. 1). Additionally, distributors often cited number of locations, retail outlets supplied, and total family members affected to demonstrate its unity. For example: “The NATCD regroupes over 140 distribution outlets in Canada. Last year, our members serviced over 43,000 retailers

for a total sales volume exceeding 14 billion dollars. Thousands of jobs depend on our members' activities" (DR1, p. 1); and

We have tabled a brief and our position is backed by 10,000 food retailers in Quebec. In fact, if we include retailers and their families, a total of 500,000 people and businesses in Quebec are affected. We are talking about 85,000 direct jobs. (DR6, p. 3)

Example 3. Outdoor Advertising Association of Canada (OAAC), initially submitted a brief to the House of Commons Committee from Brenda Carroll, an untitled individual, who spoke on behalf the "26 member companies, their employees, shareholders, suppliers and their respective families who number in the thousands" (AI3, p. 1). A few months later, during the Senate hearings, the Association submitted another brief from five separate executive members representing six different organizations, which emphasized its membership by providing lists of its 26 members and 16 associate members (AI19).

Tactic 1.4: Appealing to a community feeling

Example 1. Frank Menich attempted to create a sense that there was a strong sentimental side attached to the way of life of a small farming community. He said, "It's a way of life. It's a community. A lot of feeling is involved" (G1, p. 47). Similarly, Germain Ducharme presented Quebec's tobacco growers as caring employers providing significant opportunities to youth to "make significant economic contribution to their families and society" (G2, p. 1). He emphasized the growers' role as nurturing, by helping youth attain team skills and responsibility; essentially, preparing youth "to meet

obstacles that lie ahead for them as adults" (G2, p. 2), which appealed to the family or community feeling involved in raising children.

Example 2. A few small sponsored arts groups described themselves as helping to "develop local talent" including "Franco-Ontarian authors" and "attract[ing] new audiences" (SEO28, p. 6). Additionally, new developments in the youth wing of the Theatre of Northern Ontario "will help us to renew ties with schools" (SEO28, p. 6). Karen Planden of the 25th St. Theatre suggested that the theatre had "developed new and emerging playwrights, and is actively involved with the Métis community to bring their voice to the stage" (SEO20, p. 4).

Example 3. Outdoor Advertising Agency of Canada (OAAC) appealed to community by illustrating examples of work the company does in communities. Examples included: a Federal Government Census 1996 billboard; a mall poster for the 12th Annual Sick Kids Telethon; a billboard with a figure skater receiving praise advertising for the 1997 Special Olympics World Winter Games; and two transit shelters, one supporting a Canadian craft show and the other in French on the issue of fundraising for handicapped children. These five examples were extremely demonstrative of the community image the association was attempting to portray. The billboards, posters and bus shelters touched on issues such as: respecting the government; supporting children, especially children in need of medical help; the entrepreneurship and economic value of a nationwide artisan show. Additionally, the captions under the photos of the bus shelters stated that OAAC built and maintained the shelters, in exchange for the advertising revenues, "a percentage of which goes back into the municipality" (AI19, p. 1b).

Category 2: Tactics to undermine government

The tactics within this category generally criticized or blamed government for issues related to tobacco control. One of the tactics specifically suggested that government had created the early 1990s increases in tobacco consumption by increasing taxes and creating ineffective social marketing campaigns. Furthermore, the government was blamed for putting health above negative economic consequences and consumer deception. It was also observed that Canadian political traditions were heavily drawn upon to suggest that the status quo remain, as well as to distract attention from health issues. Tobacco-company sponsored events and retailer practices were likened to positive traditions such as confederation, or democratic rights of Canadians such as freedom. The tactic allowed tobacco industry representatives opportunities to demonstrate their value as a company, and the traditional Canadian values to which their companies adhered. In extreme comparisons, government practices were suggested to run parallel to totalitarian or authoritarian regimes, which were tacitly argued to be counter-Canadian. Lastly, it was pervasively noticed that tobacco industry representatives attempted to garner legislators' support by suggesting that many voting-age Canadians supported their efforts and were, in fact, most upset about the potential outcomes of the Bill, which may have been especially convincing in light of the upcoming election in June 1997.

Tactic 2.1: Attributing increases in tobacco consumption to government

Example 1. Robert Parker of the Canadian Tobacco Manufacturers Council argued that there was a significant decline in youth smoking until 1990; one year after the voluntary advertising ban began (and also approximately the same time that Canadian tobacco manufacturers started exporting cigarettes to the United States and smuggling

them back into Canada for the illegal market, which Parker neglected to mention). He then suggested,

[Y]outh prevalence continued to decline for two more years and then it turned around. Over the next four years it increased, while there was a product-advertising ban and while taxes were high and rising, back to the levels that it had been in the early 1980s. Why? We do not know why. Similar decreases and increases in youth smoking have been observed in the United States and in other countries. (M5, p. 31)

Parker attempted to associate the increase in smoking to the advertising ban, but only briefly mentioned the illegal market, which was described as the time “while taxes were high” (M2, p. 81), instead of the time while smuggling occurred. By renaming “smuggling” as “the time while taxes were high” and drawing on advertising ban timeframes, Parker placed the blame on increased tobacco consumption on government and avoided legislators asking questions about which parties were involved in smuggling.

Example 2. Lemieux argued, “History shows that dependence on the State is far more dangerous than dependence on any plant. The State is the most dangerous of drugs” (I1, p. 3). He further argued, “Some people even suggest that the State’s ridiculous propaganda on second-hand smoke downplays the danger of tobacco...” (I1, p. 6).

Lemieux did not provide any suggestions as to who the ‘some people’ were, leading to the assumption that it was his opinion. He closed his arguments with the statement: “Excuse me for being blunt, but someone is going to have to speak frankly to you from time to time, ladies and gentlemen who are our legislators—but you have become our

number one health problem” (I2, p. 36), demonstrating his willingness to directly blame government.

Tactic 2.2: Blaming government for negative consequences of the Bill

Example 1. Jane MacDonald of the Vancouver International Film Festival suggested that a “stable, long-term partnership with a corporate sponsor” was the type of relationship that “in the past decade, our organizations have been encouraged by all levels of government to develop” (SEO2, p. 1). Now that arts groups and corporate sponsor relations were threatened by the Bill, Canadian Conference of the Arts representative, Keith Kelly, among other arts groups’ representatives, argued that government did not care about them. Kelly suggested there was no “realistic hope” for arts groups because the government was not listening to their proposed alternatives (SEO20, p. 17). Robert Kerr of the Coastal Jazz and Blues Society echoed Kelly’s comments suggesting, “...either the Minister does not understand the real impact of this legislation on sponsorship or he simply doesn’t care what happens to the arts in Canada” (SEO11, p. 90). Kerr said the result would be that jazz would cease to exist in Canada. Many representatives stated the government would be held responsible if events and organizations were forced to end or close.

Example 2. International Trademark Association (INTA) representative, Mary Ann Afford, argued that government was threatening to dishonour the value of trademarks in society by putting forth Bill C-71 (which did not allow for tobacco company trademarks to be used on non-tobacco products). Afford suggested that if Bill C-71 passed, “such expropriation...could lead to increased counterfeiting and deception of the public” (AI18, p. 2) and “lessen the valuable role of trademarks in providing an

accountability of companies for their wares and services" (AI18, p. 3), which would not only have a "negative effect...on trademark owners and users, but also on the public" (AI18, p. 4).

Tactic 2.3: Suggesting Bill C-71 is counter-Canadian-tradition

Example 1. The Grand Prix in Montreal was described as "more than just a sporting event" (SEO9, p. 14). The representative described the event as "a legacy of Canada's centennial celebration" and "one of the oldest and most respected events in the Formula 1 world championship" (SEO9, p. 14) and a "30-year tradition of Canadian hospitality to the world" (SEO9, p. 15). The tactic emphasized the cultural value of the event and linked it to a great tradition that thousands of Canadians enjoyed, which tobacco industry representatives argued was threatened by the sponsorship provisions of the bill.

Example 2. Lemieux argued that the bill would "contribute to reinforcing the hold of official ID documents, contrary to Canadian tradition" (I2, p. 36). Lemieux used ID documents as a metaphor for describing totalitarian state traditions, and contradicted those with Canadian traditions (which were not discussed).

Example 3. The distributor and retailer stakeholder group argued that the vast majority of retailers employed young people, and took pride in the activity as a Canadian tradition (I2, p. 24). John Scott, representative for the Canadian Council of Independent Grocers, argued that many industry representatives had "worked in stores while we attended university" (I2). Other retailers supported Scott, suggesting, "grocery retailers and service stations have traditionally offered part time work to students" (DR5, p. 1). The employment of students was labelled traditional primarily because it was beneficial

to retailers. It was also likely easy to defend students who are traditionally understood to be young persons who are hard working, motivated and successful individuals—they act as an ideal demographic to protect and defend.

Tactic 2.4: Relating government efforts to a totalitarian regime

Example 1. Tobacco industry representatives used totalitarian-type language to criticize government actions. For example, Bob Moffatt of Tennis Canada argued, ...[S]o far in the debate, the government has failed to produce evidence that tobacco sponsorship is a factor or a problem in the ongoing war on tobacco use. It appears to be included in the larger legislative strategy proposed by the Minister of Health without substantive grounds for its inclusion, other than that this comprehensive package respects the guidelines established by the Supreme Court. The minister has not given the public or Parliament any indication of what this program will achieve in measurable terms if Bill C-71 is passed, and this omission raises serious questions about the purpose and timing of the government's strategy. (SEO13, p. 107)

In the example, Moffatt argued the legislation was part of a larger strategy or 'war'. Moffatt also referenced only one individual, the Minister of Health, as responsible for legislation, which likened the Minister to a dictator who left the public unaware of his intentions.

Example 2. In a more direct attempt to link Canadian governance to a totalitarian state, Pierre Lemieux argued, "It is not coincidence that in the course of history various totalitarian States have often fought against tobacco" (I2, p. 37). He further argued that Hitler, a former smoker, disliked tobacco, which implicitly likened all tobacco control

supporters (i.e., government) to Hitler and his regime. This was again seen in the phrase: “Hitler prohibited smoking in his office, although he did not go so far as to forbid it in other people’s offices. People should have said the same thing to him, before it was too late” (I1, p. 6). Lemieux strongly suggested that Canadian governance shared values with Hitler’s totalitarian regime.

Tactic 2.5: Framing tobacco industry supporters as voters to imply threats to elected government officials

Example 1. Raymond Greenwood of the Vancouver Fireworks Society cited major tobacco company sponsored events, such as “the du Maurier Jazz Festival in Vancouver, the Molson Indy, the Music in the Morning, the Symphony of Fire, the tennis tournaments, the golf tournaments and many other events” (SEO15, p. 53) as references of major events that were threatened by Bill C-71. To retain these sponsorships, he tactically threatened legislators suggesting, “the Government of Canada is going to have major backlash on its hands when the citizens of Canada realize what is happening here” (SEO15, p. 53).

Example 2. Ontario Place General Manager, Max Beck, suggested that he had very few complaints from the public in the last ten years, but, “the largest number of complaints we received this year, to be honest, were from a public constantly wondering why the federal government no longer funded fireworks on Canada Day – which in itself is unfortunate” (SEO12, p. 2). In the example, Beck threatened legislators with the fact that Canadians were becoming aware of government maltreatment of previously-funded, traditional family events. Beck’s agreement with the statement implied his sentiment

towards retreated government funding and involvement in the public entertainment agenda.

Category 3: Tactics surrounding evidence

Tactics in this category were used to create a perception that the opposition lacked evidence by manipulating and denying counter evidence, presenting misleading evidence (e.g., incomplete descriptions, not quite statistically significant results) and using personal stories and experience to support evidence. The most prominent evidential issue debated was the government suggestion that tobacco advertising and sponsorship played a role in tobacco consumption, especially among youth. Tobacco industry representatives focused on the lack of evidence to ultimately argue that the government's health objectives and arbitrarily-chosen restrictions were unrelated to the realistic economic and cultural outcomes of the bill.

Tactic 3.1: Manipulating or denying counter evidence

Example 1. Outdoor Advertising Association of Canada (OAAC) referred to Health Canada's 1994 Youth Survey to confirm its opinion that advertising did not affect uptake of smoking. The Association's brief looked at the 1994 survey question that asked why youth start smoking. OAAC reported, "without any prompting, the response from those surveyed was: 'friends smoke 70%', 'curiosity 22%', 'it's cool 21%', 'popular kids smoke 10%', 'parents smoke 10%'" (AI19, p. 5). Based on the fact that there was "no mention of advertising, sponsorship advertising or billboard or outdoor advertising in these responses" (p. 6), OAAC eliminated advertising and sponsorship as contributing factors to youth initiation altogether, and presented this as their main interpretation of the study. Interestingly, OAAC neglected to mention that the study also found 83% of youth

that had seen tobacco company sponsorship advertisements felt that it was brand advertising.

Example 2. Robert Parker of the CTMC similarly denied government research arguing, “The one thing that advertising does not do is persuade people to start smoking” (M5, p. 18). He suggested that the Health Canada had gathered this information from newspaper articles and columns or non peer-reviewed publications. His lawyer colleague followed claiming, “If people are not interested in the product, they hardly even notice ads. If it is something they are not interested in, they do not buy it. People do not look at cat food ads if they do not own a cat” (M5, p. 27). In effect, they argued that nonsmokers do not look at tobacco advertising. CTMC cited the lack of “any practical, market-driven or any other kind of evidence—not here or in any other country” to deny the “old and long-standing argument...that advertising persuades people to do things they would not otherwise have done” (M5, p. 24). Interestingly, he also cited a discussion had with Health Canada’s department director, in which it was said, “the Health Department hopes that there will be a reduction in the consumption of tobacco over the next three year period”; however, Parker argued that ‘hope’ for change would not create results (M5, p. 18).

Tactic 3.2: Presenting misleading evidence

Example 1. In an effort to provide evidence that tobacco advertising and consumption were not linked, Luik cited four quantitative studies that demonstrated that advertising did not change the overall market size, but affected only market share among competitors. Luik cited his colleague, Mike Waterson, in his brief saying, ‘careful examination of these case histories makes it absolutely clear that the overwhelming

majority of advertising campaigns...are firmly brand-oriented' (I3, pp. 6-7). However, Luik and Waterson both neglected to mention that unlike the other products studied in the marketing campaigns, tobacco causes disease and death. Thus, the market-size may not change, but presenting tobacco as a product similar to others avoided discussion about what factors lead to consumers exiting the market (e.g., quitting smoking or dying) and also avoided discussion about why and in what numbers consumers entered the tobacco market (i.e., the positive effects of advertising). Luik's superficial observation of the market-size may have been correct, but the completeness of the argument was faulty. Furthermore, he provided little information about the methods, researchers, and funding of the studies he presented—the very same characteristics upon which he criticized government and health organizations' studies.

Example 2. Sponsored events organizers often cited a study conducted by SECOR Group—"a respected management consulting firm" (SEO18, p. 22)—that claimed to provide the economic output of 19 events in Canada. The SECOR study actually reviewed 10 independent economic output studies that had in total examined 19 events. Although, not explicitly mentioned, half of the independent studies reviewed were commissioned by Imperial Tobacco or had been conducted by industry-friendly think tanks, such as the Niagara Institute (SEO16). Furthermore, the results for 16 of the total 19 events came from one study that was commissioned by Edelman Public Relations Worldwide, a tobacco industry public relations firm.

Example 3. Many tobacco industry representatives (e.g., OAAC, CTMC, and Flashmédia) argued against restrictions on tobacco advertising, citing a United Kingdom based study that was summarized by tobacco industry representatives as: "In a study of

22 countries over 27 years, U.K. based researchers determined that of those countries with full tobacco advertising bans, consumption of tobacco products increased” (AI19, p. 6). The statement was extremely misleading considering that of the 22 countries only 6 had advertising bans in place, and many for only a few years over the 27-year span. The appendix in which the study was attached only included background and conclusions sections, which found the results to be “not quite statistically significant” (AI19, p. 25).

Example 4. OAAC’s submission referenced a TranSearch Group Inc.

commissioned study that examined the age of billboard advertising audiences. The purpose of the study was to measure whether over 85% of their viewers were adults (18 or older), which was in favour of the argument that billboards should be accepted within the terms of advertising exemptions in the Bill. The results demonstrated over 94% of individuals in cars were over 18; however, several methodological flaws in sampling were evident, most notably, the exclusion of pedestrians, which may have altered figures because youth typically do not drive. Additionally, sampling on weekends ended at 4pm, which does not take into consideration weekend evenings, times that groups of youth would likely be outside, driving or not. The sampling measures were additionally vaguely described as surveyors estimating, not asking, whether the person was over 18 or not in randomly chosen vehicles. Lastly, OAAC had earlier admitted to spending millions in bus shelters, suggesting that public transit users were also within the company’s target audience.

Tactic 3.3: Using personal story as anecdotal evidence

Example 1. Tobacco industry representatives used narrative personal story to disconnect tobacco advertising and sponsorship from tobacco consumption. Three

examples were cited: 1) Max Beck of ASF described a young male that phoned in to a radio program he was speaking on to say that he believed he had the biggest Player's racing team memorabilia collection in Canada, had tried smoking at 14, but "did not stay a smoker and to this day he is still a Player's racing fan" (SEO18, p. 32); 2) Robert Legendre of Tennis Canada offered a similar story of a Physical Education teacher and his son, the best junior tennis player in Canada who supported the tobacco industry being involved in sport; and 3) Karen Planden of 25th St. Theatre suggested that she, as an ordinary citizen, had been around tobacco advertising "sometimes on a daily basis" and was "around smokers on a daily basis" and "still [did] not have the urge to light up—not as an adult and not as a teenager" (SEO20, p. 5). The use of real-life examples were emphasized in personal stories to create the sense that smoking was a choice, and was not related to tobacco advertising.

Example 2. Distributors and retailers increased the credibility of their predictions of negative outcomes of the bill, citing their expertise in examples such as:

I have been in the grocery business for 47 years. In those years there has been a significant decline in tobacco usage as a percentage of population. It will continue to decline if responsible, reasonable people continue to educate the public on the health hazards of tobacco usage. (DR5, p. 1)

As well as, "I have been in this business for 20 years and I am not exaggerating about the potential damage" (DR8, p. 26). The number of years of experience was used to provide credibility to the anecdotal evidence.

Category 4: Use of intentional discourse and rhetorical devices

This category of tactics more closely examined the use of language and structure of argumentation within texts. It was interpreted throughout the bill that health discourse used by health organizations and governments was mocked to demonstrate that the bill was “utopian” (SEO21, p. 3), or not “workable” (M4, p. 1). Tobacco industry representatives also often used constitutional and legal discourse to relate their problems to the pillars of the Charter of Rights and Freedoms, most specifically, equality rights and fundamental freedoms. Legal language was also used to bring light to the fact that distributors and retailers were working with governments and the tobacco industry to ensure a legal supply of a legal product was offered to legal consumers (as opposed to the illegal crisis involving the industry in the recent past). Lastly, many of the briefs repeated key messages, ideas or were simply sent more than once to increase the strength and legitimacy of arguments.

Tactic 4.1: Using health discourse to mock health objectives of the Bill

Example 1. Rupert T. Brendon of the Coalition for Commercial Freedom of Speech suggested the negative economic outcomes of the bill were “unhealthy” as he questioned the committee asking,

What kind of legislation will Bill C-71 be? Is this bill a fair and reasonable way to accomplish its stated purpose? One is tempted to ask: Is it equitable? By what mechanism will Bill C-71 be implemented? Finally, are its deficiencies curable before the patient dies? (AI9, p. 46)

Brendon specifically criticized the bill within a health-based discourse framework, using health jargon to tie a health outcome to the bill itself, which was interpreted as mocking the health objectives of the government.

Example 2. When accused of being “addicted” to tobacco company money, Robert Gagné of Theatre of Northern Ontario Inc. rebutted, “This is indeed a fine metaphor! If the truth be told, we suffer from multiple addictions; firstly, we are addicted to Canada Council funding, the official languages support program, and to revenues from lotteries, bingos and casinos” (SEO28, p. 7). Gagné framed “addiction” positively (avoiding his opponent’s attempt to relate negatively-portrayed smoking addiction to his theatre) and suggested that his company’s addiction was symbolic of resourcefulness and success.

Tactic 4.2: Describing government and legislation as anti-constitutional and undemocratic

As will be demonstrated below, the labeling of government and legislation as anti-constitutional and undemocratic was highly prevalent. Rather than draw on specific example, the evidence corresponding to this tactic is presented in relation to language used within several documents.

Many tobacco industry representatives referenced the introduction of warrantless search and seizure procedures as “unreasonable” under section 8 of the Charter rights (the right to be secure against unreasonable search or seizure) (DR10, G2). The placement of the burden of proof on the accused was also labelled “unjustified” (DR10). Moreover, other representatives believed the amount of regulations was undemocratic (DR4, M2). For example,

This bill is an extraordinary abuse of regulatory power. Fully 19 key areas of the bill delegate away from Parliament virtually complete control of what is permitted and not permitted in five associated industries and all of their suppliers and put it in the hands of unelected officials and cabinet. (M2, p. 73)

Betty Webster of Association of Canadian Orchestras (ACO) specifically argued that her company's "democratic and parliamentary process" had not been "safeguarded when Bill C-71 received its Second Reading" (SEO1, p. 1). Webster also argued that this procession was one of many situations where government had "once again" set up hearings providing for "little time and opportunity for fair and equitable representation and debate", as well as what ACO described as "honest discourse" (SEO1, p. 1).

Additionally, many tobacco industry representatives intentionally portrayed their interpretations of the restrictions on tobacco advertising as a virtual or de facto ban to suggest that Bill-C71 was undemocratic, like the TPCA (AI12, DR10, M5, SEO18).

Lastly, the Outdoor Advertisers argued that its exclusion from the bill's exemptions was unfairly discriminatory toward its group. The labelling of tobacco industry representatives' concerns demonstrated to be extreme, often likened to "unjustified", "undemocratic", and "unreasonable". These adjectives were all heavily used in hearings to describe the TPCA and the Supreme Court decision.

Tactic 4.3: Emphasizing legal discourse

Example 1. Tobacco industry manufacturers, distributors and retailers often labeled tobacco legal to as a rhetorical tool to mock legislators' measures. For example, Frank Lovsin of IGA Freson asked legislators "Is it reasonable to make the merchants jump through hoops to sell a legal, unrestricted product?" (DR5, p. 2) CTMC argued

"Tobacco continues to be a legal product. Tobacco companies will continue to obey the law while reserving the right to challenge it through legal and other appropriate means when the most basic tests for public policy are not met" (M4, p. 20). Lastly, Michel Gadbois representing Alimentation Couche-tard, argued said, "considerable attention is being paid to the promotion of the promotional aspect of a product which technically is legal. The objective appears to be to make secondary activities, that is those associated with the marketing of this product, illegal" (DR6, p. 3). Gadbois further emphasized his point suggesting "[i]t is still quite legal to purchase cigarettes for minors. There is nothing that prohibits this", as well as "[i]t is not illegal for young persons to purchase, consume or possess cigarettes, as is the case with alcohol" (DR6, p. 4). He intentionally emphasized unreasonable legal issues surrounding tobacco control to demonstrate that government was making more decisions regarding legislation. Furthermore, he attempted to evade blame for any infringements of the law, suggesting, "the manufacturers are legal or recognized entities with licences, et cetera. We presume that there should be a control there. They should know whether what they sell or give us as material is legal" (DR6, p. 17).

Example 2. Tobacco retailers also presented themselves as "people who make a living legally and responsibly" (DR8, p. 26). Tobacco Products Distributors created a role as the vital, indispensable link in the "legal" product distribution chain that helped employ over 400,000 Canadians, including many first-time employees, such as students (DR2, DR9/DR10). Distributors used their legitimacy to frame themselves as victims among a continuing volatile illegal market, which in the past, led to bankruptcy of some members (DR13). The retailers also described their employees as enforcement agents and

made light of their membership to “Operation ID”, a program to prevent illegal sales to underage youth to demonstrate their success in keeping tobacco in the hands of legal adults.

Example 3. The legal firm Stikeman, Elliot drafted the Swedish Match North America Incorporated submission using legal language and tone. The opening paragraph mentioned one line about the location of the tobacco manufacturer, but unlike other tobacco companies did not discuss any key issues or positions on smoking. The brief focused solely on legal issues opposed to the legislation. The authors drew on international trademark and trade laws and regulations (e.g., Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) & North American Free Trade Agreement [NAFTA]) to focus all discussion on the legal issues attributed to the bill, such as government “compromising trade secrets” and ignore other possible issues (M6, p. 2).

Tactic 4.4: Using non-stigmatizing language to appear non-judgmental

Example 1. In discussions on the intentional audience for tobacco advertising, which tobacco companies argued targeted the 10% of smokers “switching between brands”, many stakeholder groups described smokers as loyal and faithful, or, disloyal and unfaithful. However, tobacco manufacturers ensured to avoid labelling smokers, and instead described their target audience as a group of individuals “switching between brands”. This tactic allowed manufacturers to portray an image of being non-judgmental towards their customers, as well as avoid making individuals stand out of the larger collective group of tobacco users.

Tactic 4.5: Repetition as a rhetorical device

Example 1. Pierre Lemieux repeated, "Leave us alone!" seven times throughout his brief and an additional seven times throughout his presentation to enforce a sense of plurality, despite presenting as an individual (I1, I2).

Example 2. Corporate Classics used the word "without" on four occasions throughout its brief to allude to government prohibiting tobacco companies' abilities to use its products. In one sentence, Veale wrote, "It is undemocratic for the government to take away our business without notice and without any opportunity to make our views known to parliamentarians before the Bill is enacted" (AI2, p. 2). Veale intentionally used "without" to make government's actions seem as if all freedoms and opportunities had been taken away.

Example 3. Canadian Tobacco Manufacturers Council repeatedly discussed the decision made in the Supreme Court of Canada in 1995 to strike down the TPCA. The purpose was to remind government that previous attempts to legislate tobacco control had failed (M1; M2; M3; M4; M5).

Category 5. Avoidance of health discourse

It was interpreted that tobacco industry representatives had specific aims to evade in-depth discussions on health and illness (or more specifically, the negative health consequences associated with tobacco consumption) to ensure discussion focused on the promotion of their cases. The tactic was often achieved by opening texts with superficial statements supportive of government health objectives, followed by detailed statement of opposition tied to economic outcomes. Further efforts were noted as tobacco industry representatives disassociated their products or services from tobacco companies, stating

their independence from and ignorance of tobacco industry motives. Overall, this appeared to be an attempt to avoid debates with legislators with respect to the health effects of tobacco use.

Tactic 5.1: Presenting superficial support for health objectives

Example 1. Keith Kelly of the Canadian Conference of the Arts argued, "The [Canadian Conference of the Arts] believes that the government is correct in pursuing the public health objectives...However, we believe that the legislation as it currently stands places onerous and unreasonable burden on the directors of non-profit organizations..." (SEO22, p. 9). The tactic was used to explicitly state support for health objectives, and was later accompanied by Keith Kelly briefly mentioning CCA's efforts to hold extensive consultations with health organizations. However, discussions on health quickly finished to focus on blaming government for the stakeholder's inability to support the bill.

Example 2. Pierre Bourque, the Mayor of the City of Montreal stated:

Let me make it clear right away that I share the government's objective, namely to reduce smoking in Canada, particularly among young people, and that I will work to achieve this end with the mayoral powers invested in me by the Government of Quebec. (ST18, p. 13)

Bourque continued to list his tobacco control work, and the support gained within his municipality, even among smokers. He then stated:

I have come here today to convey to you the concern we have about the rather harsh provisions in Bill C-71, which restrict sponsorship. To my mind, these measures are unreasonable and will cause considerable harm to the economies of Montreal, Quebec and Canada. (ST18, p. 13)

Bourque attempted to appeal to government as a legislator himself. He then discussed work he had done at a municipal level, which demonstrated his support and the support of his employees, of tobacco restrictions. However, at no other point in his presentation were the issues of tobacco or health mentioned. His support of tobacco control might be seen as superficial and suggested that economic gains outweighed health concerns in Montreal.

Example 3. Robert Parker was asked whether his association saw smoking as a serious health problem in Canada. He evaded any discussion by arguing that the Minister of Health and other stakeholders had already presented to the committee on health risks. He stated: "the question of whether or not there is a risk to health from tobacco consumption is not anything we are here to argue about" (M2, p. 81).

Example 4. Bob Moffatt suggested that everyone lived with a "certain degree of paradox from time to time" (SEO13, p. 111) to demonstrate that he, like others, had a vice. He suggested that the acceptance of tobacco funding was his personal paradox, and argued,

The funds we get from the operation of those events are used for a good cause. In fact, I don't think anybody out there would see youngsters between the ages of 10 and 16 who are participating in the sport smoking at tennis clubs or at recreation centres across this country. (SEO13, p. 111)

He intentionally neglected negative debates on health and smoking, suggesting instead that his funding promoted health for youth. His colleague backed their company's paradox suggesting that 95% of people in the stands were adults who likely knew the

health consequences of smoking. Thus, Tennis Canada's negative impact on health, if any, was minimal.

Tactic 5.2: Avoiding connection to tobacco companies to avoid discussion on health

Example 1. Lemieux suggested to legislators:

Do not count on tobacco manufacturers to defend the principle of the freedom of the individual. Basically, they are like you, they could not care less. But that is no reason why I, like any supporter of freedom, should not defend their right to express themselves in promotion their products either directly or indirectly. (I1, p. 4, I2, p. 36)

In this example, the well-known tobacco industry representative specifically framed tobacco manufacturers and government as having a like position, which was in opposition to his own and that of his implied group of like-minded supporters of freedom.

Example 2. Similarly, Luik opened his presentation stating:

Unlike many of your witnesses, I am here today to speak simply as a private citizen...[o]ver the course of any given year, I am typically engaged as a consultant by several of dozens of projects. I have worked, for example, for many health care organizations on a variety of health-related issues. To be fair, I have also undertaken work for a number of tobacco companies on the issue before you... (I4, p. 21)

In the example, Luik emphasized that he had worked for 'many' health care organizations (implying a large amount) and downplayed work he had 'also undertaken for a number of tobacco companies' (implying a smaller amount than health care organizations). He attempted to present a primary association with health organizations; despite presenting

information from his published novel (commissioned by tobacco companies in the United States) that essentially countered all pro-health arguments regarding tobacco advertising.

Example 3. Corporate Classics made an attempt to separate their promotional items from smoking initiation by saying, “No reasonable person would associate the decision to smoke with such an insignificant item. The merchandise is purchased as a souvenir of the event, and it in no way influences whether a person smokes or not” (AI2, p. 3). In the statement, the representative unintentionally devalued his company’s products to disassociate them from smoking. However, he immediately revalued them, as he described them as souvenirs, suggesting he wanted to relate the items with events, not tobacco companies (despite displaying tobacco company logos).

Example 4. Raymond Greenwood of the Vancouver Fireworks Society was questioned by the Chairman of the Health Committee on his understanding of the motivation for tobacco companies to sponsor. He replied, “I don’t know, sir, because I’m not in the business of promoting tobacco. I’m promoting an event. But it’s my understanding it’s to protect their market share of their particular product” (SEO15, p. 46). The example demonstrated that events organizers either did not have their own opinions or neglected to share their opinions and cited a lack of expertise in marketing tobacco to evade making comment.

Category 6. Emphasis of economic and neoliberal discourse

It was determined that groups highlighted their abilities to increase economic growth by alluding to their entrepreneurship to solve the slowed economy and high unemployment rates that were problematic to government as discussed in their election platform. Additionally, representatives argued that the United States and other countries

would gain from Canadian economic losses if tobacco-company sponsored events chose to leave Canada because of Bill C-71. This placed increased pressure on legislators to examine the economic impacts of legislation. Furthermore, the neoliberal market and consumer-based solutions to decrease tobacco consumption were constructed to move all problems and solutions onto the consumers, not the suppliers, thereby further deflecting these away from tobacco industry stakeholders.

Tactic 6.1: Framing selves as entrepreneurs

Example 1. Alliance for Sponsorship Freedom creator, Max Beck, argued:

...what's the primary purpose of the legislation – to restrict the number of youth taking up smoking, which we think is a laudable goal, or to punish the most entrepreneurial of Canada's arts and sporting presenters and major events organizers? (SEO12, p. 5)

The intentional framing of events organizers as entrepreneurs aligned events organizers with economic growth.

Example 2. Similarly, Ontario Korean Businessmen's Association framed its members as independent "mom and pop businesses which have been started by entrepreneurial individuals who have invested their own livelihoods into their business" (DR16, p. 51). The frame was used to suggest that government was imposing harsh restrictions on the entrepreneurial free market, which would result in "simply quashing the spirit of small business" (DR16, p. 51). Furthermore, OKBA framed itself as a group of true entrepreneurs because of their first-generation Canadian-Korean ethnic status and limited abilities to communicate in English (DR16).

Example 3. The Mayor of the city of Montreal made efforts to link government and entrepreneurs, suggesting that Montreal's "business people, entrepreneurs and government decision-makers" had been "working to build a new economy, focusing on our city's strengths, particularly its international renown, its outstanding quality of life and its cultural wealth" (ST18, p. 13). This statement was likely used to demonstrate that municipal government and entrepreneurs (i.e., tobacco company-sponsored events organizers) were working together, and this should occur at the federal level as well. It may have also been used to demonstrate the value that Montreal placed in its entrepreneurs, and therefore federal government should also value them.

Tactic 6.2: Emphasizing legislative outcomes as economically beneficial to foreign nations and hurtful to Canada

Example 1. Peter Power of Atlantic Federation of Musicians suggested that the US was a probable country of relocation of events, which would hurt Canada *closer to home* than relocation to other countries. He argued,

The legislation will further compromise our ability to mount performances and showcase talent and that is the simple reality. Sponsorship could be moved less than 200 kilometres south into the United States and be broadcast into Canada both by Canadian and U.S. networks. The \$60 million our races bring to the economy surrounding them would go to the U.S. (SEO21, p. 2)

Example 2. The growers' representative, Frank Menich, implicated that farmers' products would be replaced by foreign providers if government altered nicotine levels in tobacco, telling the government, "We don't believe we should be substituted by another country if you alter what the consumer wants" (G1, p. 45). The growers suggested in the

fact, as well as throughout their position statements, that their existence was dependent on consumers. The tactic was used to argue that if government changed the composition of tobacco, farmers would struggle to survive against imported goods in demand, which would offer products with nicotine content similar to former Canadian products desired by consumers. The alternative to imported goods was the rise in an illegal market that would occur if consumers had difficulty “achieving their products” (M5, p. 49).

Example 3. On the subject of prohibiting tobacco company sponsored race vehicles, Legault of F1 Grand Prix Limited argued that Canada did not have the same financial and automotive industry support that other countries had (e.g., France’s prohibition accepted because of automotive manufacturer Renault, Britain’s prohibition accepted because of London-based automotive technology sector). He argued further that Australian regulations had allowed exemptions for racecar events from its 1992 Tobacco Advertising Prohibition Act because the events were “considered important to the Commonwealth and Australia” (SEO9, p. 16). A similar argument was used in defense of Tennis tournaments. Legault’s intentions were to emphasize solutions that placed Canada in a negative position internationally.

Tactic 6.3: Creating an atmosphere for consumer-based solution

Example 1. Robert Kerr of the Coastal Jazz and Blues Society stated: “to suggest that sponsorship causes people to smoke is ridiculous, in my opinion. This view that sponsorship creates behaviour gives too little credit to consumers and too much credit to sponsorship. If sponsorship determined behaviour, we would have companies lined up around the block begging to get in on the action, and they’re not” (SEO11, p. 91). In the example, Kerr undermined government’s understandings of sponsorship, suggesting that

its interpretations were unfounded. The tactic, in effect, deflected blame and negative characterization of the entire tobacco industry by placing these negative characterizations on the consumers.

Example 2. Tobacco growers continually argued for a consumer-based approach to targeting smoking. When a committee member offered the solution of lowering the overall tobacco supply to decrease tobacco consumption, the growers rebutted,

[I]t's the consumer that makes that decision...I think you've learned, sorry to say, that the consumer will find another way of doing it or of achieving their products. I think that's the point that gets lost in this. It's the undervaluing of the consumer (G1, p. 49)

The example demonstrated that the consumers, not the industry, should be blamed for the levels of tobacco consumption because they were controlling consumption and therefore supply output levels.

Tactic 6.4: Suggesting a market solution already in place or no solution

Example 1. Menich argued tobacco growers' sale of tobacco products should not be included within Bill C-71's restrictions because growers work with:

[U]nmanufactured or raw leaf flue-cured tobacco, which pursuant to the regulatory regimes established under the Farm Products Marketing Act (Ontario) and by regulation under the Agricultural Products Marketing Act (Canada) can only be sold by licensed producers to licensed buyers through the Board's auction exchanges. (G3, p. 2)

Example 2. Manufacturers, distributors, and retailers, including Operation ID, argued that the response to tobacco-company-sponsored education programs for retailers

“has been phenomenal...[retailers] find it less intimidating than the government material supplied” (DR8, p. 25). Peter Flach emphasized, “this program works because the participants have taken ownership of it and want it to work” (DR8, p. 25). Retailers also suggested “[a] significant number of inspectors already come through our stores...there are already enough control mechanisms built into the system” (DR6, p. 5).

Example 3. Manufacturers alternatively used negative argumentation to suggest that government had not been able to provide successful public policies to affect smoking in the last ten years. This was demonstrated in the phrases: “In the case of the supposed link between advertising and tobacco consumption, extensive research efforts have been undertake and many public dollars expended in Canada to find evidence of this elusive relationship. None has been found” (M4, p. 11). CTMC continued to argue the lack of merit of the “full range of government anti-tobacco measures, from high taxes to increasingly prominent warning labels, from consumption bans to anti-smoking advertising campaigns. In terms of changing behaviour, they have been a collective and total failure” (M4, p. 11). Thus, CTMC suggested “Bill C-71 is set to repeat the same mistakes of the past, with no more assurance of success” (M4, p. 12).

Example 4. INTA’s changes asked for tobacco trademarks to be used with permission of the owner to following the national “Trademarks Act” that Canadian justice systems had upheld in the 1980s, North American Free Trade Agreement, World Trade Organization Agreement on Technical Barriers to Trade. The intention of the tactic was to demonstrate that government had no role in creating regulation on trademarks.

Example 5. Lemieux from the independent stakeholder group offered no concrete solutions, simply offering that the market and individuals can find their own solutions. It

was suggested that non-smoking and smoking-allowed establishments would among themselves decide the needs and wants of their consumers. As well, legislators were suggested to trust parents to teach their children to become free and responsible individuals.

Miscellaneous Tactic

Tactic 7.1: Emphasizing tacit disagreement between French and English Canadians

Canada's second referendum on Quebec's sovereignty had recently occurred when the legislation was brought forth. This led to an atmosphere of sensitivity toward French culture.

Example 1. Michel Gadbois of Alimentation Couche-tard described how difficult it was for Quebec at the time of the contraband explosion. "We dealt with contraband in a hard way in Quebec. Do not forget that when it was over, 80 per cent of the cigarettes in Quebec were contraband cigarettes" (DR6, p. 11). In the example, Quebec was portrayed as a victim during contraband, which was carried over to the situation during Bill C-71, when groups felt they were being punished again.

Example 2. Karen Planden of the 25th St. Theatre argued,

Whether you want to hear it or not, standing in a crowd of 1000 people watching the Festival of Lights evokes many things. It evokes pleasure, sheer wonder, awe and a great deal of emotion. As we learned only too well in the last referendum, emotion can make or break a country. (SEO20, p. 5)

In the example, Planden suggested that the same nationalistic emotions that prevented the separation of Quebec were present in the debate on whether to save events.

Example 3. Corporate Classics explicitly indicated that they were from Piedmont, Quebec. The area was described as “30 miles north of Montreal”(AI2, p. 1), close to the company’s “major client” (AI1, p. 1), Imperial Tobacco Company of Montreal, and “one of the highest areas of unemployment in Canada” (AI2, p. 1). Interestingly, the company’s briefs made no mention of the location of its other 40-45 jobs dependent through sub-contracts (AI2).

Summary

The tactics discussed in this chapter were identified within the text, but highly informed by knowledge of the context. The discovery of a tactic within texts most commonly appeared during level-one analysis, during which a multitude of reoccurring phenomena was noted. Table 12 presents a summary of the major tactics employed by stakeholder groups.

Table 12

Major tactics used by stakeholder groups

Stakeholder Group	Presentation of Identity	Shared Problem (Economic Argument)	Proposed Solution	Scientific Evidence
Growers	Nurturing, community-oriented	Economic employment created and consequential losses	Consumer education and market-based solution in place	N/A
Manufacturers	Reasonable, responsible	No relation of self to economic, only other stakeholder groups	Consumer education	Denial of link in advertising to consumption
Distributors & Retailers	Unintended enforcers, employers of youth, entrepreneurs	Loss of small business, costs to retailers, lost funding from manufacturers	Consumer education	N/A
Allied Industries	Entrepreneurs, struggling manufacturers, powerful advertisers	Loss of business, especially small business	Increased participation, government compensation, advertising regulatory body	Advertisers presented "misleading" evidence
Sponsored Event Organizers	Community-minded, source of culture	Negative impact on communities	Extension of sponsorships	Events do not cause increased tobacco consumption
Independents	Independent, Expert opinion	Manufacturers advertising and sponsorship abilities threatened	Status quo, stop government crusade, consumer decision	Denied all evidence, presented "misleading" evidence

In Table 12, it can be seen that identities were related to specific to stakeholder groups,

which were strongly linked to the economic arguments used. For example, manufacturers

presented themselves as responsible and reasonable, and then focused on the fact that all other stakeholders (avoiding mention of self) would be negatively affected by legislation via lost employment and economic spin-off. Allied industries heavily portrayed themselves as struggling entrepreneurs and linked their economic arguments to the fact that the bill was anti-business, especially small business. In many cases, economic arguments became part of the identity that suggested the “reality” stakeholders were facing. In regard to evidence, it appeared manufacturers and independent group primarily refuted evidence on the link between tobacco advertising and consumption by criticizing health research. As a result, the sponsored events organizers suggested that tobacco company sponsorship advertising and consumption were not linked because it could not be proved, but rarely cited any scientific evidence and instead used anecdotal evidence to suggest the link did not exist. Allied industries cited studies and polls, but only conducted one study, which was heavily used by outdoor advertisers to suggest they were being discriminated against. Each of the major areas of tactics is discussed in detail in the following sections.

The tactics deconstructed in this chapter were systematically observed primarily by the researcher; however, continual meetings with three other researchers during analysis assisted in viewing texts from multiple perspectives, and thus, capturing the breadth of tactics. The following chapter links the tactics to the broader contextual factors, as well as looks at the relation of the findings to existing research.

CHAPTER 6

Discussion, Conclusions, and Implications

Discussion

This review of tobacco industry written and oral submissions added to the existing body of knowledge surrounding tactics in the legislative arena, and is the only known study to specifically examine Bill C-71, the *Tobacco Act*. The study interpreted the tobacco industry's actions to stem from its self-interest, and expected that interest group theory could be used to understand the dynamic changes in stakeholders opposing government regulation. The study also examined tobacco industry arguments, keeping in mind the neoliberal political context, to find examples of the industry's use of tactics in the legislative arena. Major areas of discursive tactics included: creating identities to appeal to legislators; using evidence to defend arguments (e.g., scientific, legal, anecdotal); diverting or avoiding health discourse; emphasizing economic-based arguments to appeal to government's neoliberal economic aims, including proposals of consumer-based solutions to avoid blame and further regulation. This chapter primarily explores the tactics as they relate to the broader context, as well as examines and compares the findings of this study to tactics in tobacco control literature.

The tobacco industry as a cluster of interest groups

The pluralist environment of the Canadian government accommodated the interests of multiple stakeholders in the discussions of Bill C-71. The government presented itself within a fairly neutral role, balancing health and economic interests to evaluate the proposed legislation (i.e., via examination of the Bill by both a health committee and a legal and constitutional affairs committee and seeing varied stakeholder

groups). Health organizations competed against the tobacco industry, each claiming that either health or economic interests were in the interest of the national majority. Pluralist theory and its sub-theory, interest group theory, suggest that groups form based on their shared opinions, cultures and economies (Jackson & Jackson, 1994). In this study, stakeholder groups formed based on their members' roles in the industry (e.g., grower, manufacturer). These groups shared opinions and cultures, but most prominently shared their problems with the legislation and government. The stakeholder groups then joined and mobilized to influence the government to ensure that the policy problem and its solutions were to their advantage (Richardson, 1993).

Many groups argued that they did not have sufficient prior knowledge of the Bill before its release; however, theorists argue that lobbyists typically find it most effective to target legislation before it is in front of parliament (Presthus, 1974). Thus, with pre-legislative opportunities passed, it appeared the tobacco industry attempted to collectively act to influence the policy environment despite its generally less effective outcome at the committee stage. The six stakeholder groups came together on a number of issues, including: a de facto ban on advertising; lack of proper participation, and consequent lack of democracy; presence of government inspectors in already-regulated areas; lack of government evidence to reach health objectives; and restrictions on sponsorships. Smaller peripheral issues were specifically argued independently by certain stakeholders because of their irrelevance to others (e.g., loss of the ability to hire minors argued by the distributors and retailers and growers, and a lack of a transition period by the sponsored events organizers and advertisers). Their shared opinions on problems were also echoed by similar opinions on solutions. Solutions took the form of consumer-based or market-

based changes that usually manifested in only two options—retaining the status quo and increasing public education.

As mentioned, smaller cluster formations were primarily argument based. For example, at times when the legal responsibility of marketing and selling of tobacco was discussed, even the closest allies fled from the side of tobacco manufacturers. This was evidenced as the manufacturer-funded Operation ID representative, Peter Flach, defended distributors and retailers against the criminal fines and inspections involved in the legislation. He argued, “We do not need to hear that we will be held responsible to the same extent as the manufacturer if a problem arises with a tobacco product. When we purchase a product, we do so in good faith” (DR8, p. 5). Retailers further created an even smaller cluster as they argued that they were the only stakeholder group that was left accountable to acting as law enforcements at the front lines.

Interest group cluster formation was also related to differences among Francophone and Anglophone cultures. The Quebec provincial governments had strong cultural sentiments lingering from the 1995 referendum, which they used to unite Quebec on the issue of Bill C-71. This was noticed when the Montreal City Mayor suggested that municipal officials, Quebec government official, regional government, the Chamber of Commerce, Montreal International, the Greater Montreal Tourism and Congress Bureaus and the members of the Government of Canada were argued to all be on side in regard to conserving the Grand Prix in Canada—an event that would be canceled under the federal government’s legislation (AI8). National media agreed that Quebec politicians and Montrealers positioned the bill as “direct attack on a city that benefits greatly from tobacco sponsorship” (Canadian Medical Association, 1997). Additionally it became

abundantly clear during the Senate hearings that Bloc politicians were primarily interested in saving and protecting their ridings from event and manufacturing job losses. Moreover, even health organizations from Quebec also argued that their province was more affected by smoking than other provinces because it had the highest number of smokers in Canada, not only among the general population but also among young people aged 11 to 14 and 15 to 19. They also suggested that studies conducted by Health Canada and the Canadian Cancer Society demonstrated that it was easiest for young people to get cigarettes in Quebec, with above 75 percent of retailers selling to minors (Canada. Parliament. House of Commons. Standing Committee on Health, *Evidence of the Committee*, Meeting No. 26, December 9 1996).

The tobacco-company sponsored events organizers (SEO's) proved to be the most important cluster because all others essentially relied on the media surrounding their sponsored events to promote tobacco products, which they directly or indirectly supplied or promoted. SEO's attempted to present themselves as one strong separate interest group (concerned only about sponsorship), separate from the others (who were concerned about the manufacturing, sale, labelling and promotion of tobacco). This may have been an attempt to demonstrate that they did not want to promote tobacco consumption; however, both committees often argued that the tobacco manufacturers had intentionally exploited a loophole that allowed sponsorships in the Tobacco Products Control Act to promote their products and create allies for future restrictions on tobacco promotion. When the industry faced legislation, the manufacturers funded the formation of a large, authoritarian-style group (a type of group that would be seen as reliable for evidence) (Nathanson, 2005) called the Alliance for Sponsorship Freedom, and chose Max Beck, a

former elected member of government as its “founder”. The tobacco industry provided funding for economic impact studies (e.g., the SECOR Group study) and used their own academic researchers to refute a link between tobacco advertising (including sponsorship advertising) and tobacco consumption. SEO’s were caught in a difficult situation where their two funding bodies—the tobacco manufacturers and the government—had opposite interests; a problem that should have caused decreased lobbying efforts (Leech, 2006). However, during the trials, SEO’s argued that government had broken Red Book promises for funding, and that their events did not cause smoking initiation—defending their events and the interests of the tobacco industry.

Tobacco industry “interest group” activity has been minimally documented in literature, particularly in the Canadian context; however, many studies have revealed information about tobacco industry sponsorship of organizations, which resembles the situation that occurred in this study. For example, Mangurian and Bero (2000) found that tobacco companies intentionally developed a coalition of businesses community members (e.g., National Restaurant Association and small business owners) to stress individual or business rights. Their presence as witnesses at trials increased from 18 to 57% (Mangurian & Bero, 2000). In this case, group activity was constructed to create a tobacco company supportive interest group, as well as to ensure that groups that claimed they would be most affected were voicing these issues. This example suggests that the creation and funding of the Alliance for Sponsorship Freedom by the tobacco manufacturers was likely an intentional action to ensure that stakeholders that were seemingly most affected would join the larger tobacco industry stakeholder group. Additionally, Malone (2007) determined that tobacco companies strongly valued

collaboration or joint interest group activity within their stakeholder group. Malone pointed to the example of Philip Morris first suggesting it supported the United States Food and Drug Association regulations (on the addictiveness and death associated with tobacco) and then withholding its support in trials when no other companies would acknowledge the issues (Malone, 2007). This example demonstrated the trend for tobacco manufacturers to group together as an interest group (likely out of fear of competition).

In summary, it was determined that on the majority of issues the self-interest stakeholder groups came together and worked to achieve their common goal, as Kimber (1981) theorized. However, on peripheral issues dealing with: sponsorship advertising (e.g., government funding for individual events, or exceptions of certain events from the bill); retailers versus distributors regarding responsibility; and Anglophone versus Francophone political and cultural differences, it was determined that the stakeholders divided into smaller clusters to argue individual interests, as Olson theorized (1969). The breadth of the Bill and the number of stakeholder groups likely led to the number of interest groups forming and separating in smaller clusters.

Major tactics used by stakeholder groups

This section of the chapter discusses the major tactics used in argumentation and presents them alongside similar findings from past research (if available). The studies discussed below have examined the legislative or litigation arena, which is different from other arenas of tactics discussed in the literature review (e.g., media, research). This study added to the small amount of studies that specifically examined the legislative arena, as well, it is likely the only known study to examine discourse analysis on tobacco industry discourse.

Major Tactic: Presentation of identities

This powerful tactic was most prevalently used during introductory statements, when stakeholders outlined what their organization or company provided (presented often as good-natured, entrepreneurial, and community-minded), who valued it (the public, some governments, and all other stakeholders), and why (because of the benefit it provided to society). Alongside their positive characterizations, they often also presented themselves as victims at the mercy of poor economic times (especially in some isolated geographic areas), the government, or foreign nations that may reproduce their services and products if legislation passes. The practice of presenting multiple identities was likely used to emphasize the “good” they provided with the “bad” consequences that would be imposed upon them by decision-makers if legislation was passed.

Aside from the explicit attempts to create identity, it was also perceived that titles were used to provide a sense of identity. Executive titles offered the sense of structure and organizations, while when paired with non-profit status made the groups and individuals appear to be balanced and morally good, which ultimately aided in their argumentation.

Overall, identities were strategically used in a fashion that first created a sense that the individual or group was well-intentioned and valuable to society, then juxtaposed with the suggestion that their existence as a “positive” contributor in society was threatened by government action, and occasionally closed with an identity that loomed threat upon legislators.

The creation of an identity was documented in literature, as researchers found intentional maintenance of image in internal documents from Philip Morris (Smith &

Malone, 2003). Tobacco companies suggested that their images were threatened by litigation, increased regulatory efforts and a shrinking domestic market for tobacco, which were factors linked to “increased effectiveness” of the tobacco control movement (Smith & Malone, 2003, p. 209). One of the images involved the creation of an aggressive identity in politics; and another used a generally positive image to create a “peaceful” agreement with Congress (Smith & Malone, 2003). The most drastic attempt to control image and identity was noted as Philip Morris’s name change to the Altria Group. The primary reason for the name change was to ‘reduce the drag on the company’s reputation that association with the world’s most famous cigarette maker has caused’ (Smith & Malone, 2003, p. 210).

Major Tactic: Economic arguments

The arguments surrounding economic issues were heavily employed to create a sense of reality linked to identities (i.e., real world impacts on stakeholders). Representatives presented numbers of employees and families affected by legislation, economic impacts on society and government revenues gained from collected taxes to argue that government was endangering the already-struggling Canadian economy by creating this legislation.

Economic arguments were also strongly tied to neoliberal ideologies that the government had implied would be used to govern all areas of policy (Liberal Party of Canada, 1993). Representatives argued positive economic outcomes were related to a free market (a.k.a. less government interference), individualism and egalitarianism. The arguments suggested that negative economic impacts as a result of the Bill would definitively hurt the majority much more than creating further restrictions on tobacco,

which was already self-regulated and profitable to Canadian citizens and all levels of government.

Many retailers, distributors and allied manufacturing industries specifically emphasized the importance of entrepreneurship to the economy. They also framed many of their own stakeholders as entrepreneurs, who aligned with the egalitarian principle of neoliberalism. This was the ability to pursue their goals and ideals, regardless of differing opinions—so long as the individual is not interfering with the freedom of others (Browne, 2001). They argued that they were not interfering in others' freedoms because smoking was an adult decision and youth were not smoking because of their involvement in the industry. Many representatives also offered market-based solutions, which related to the free market principle of neoliberalism. In neoliberal theory, free market forces should resolve economic problems such as unemployment, inflation and economic recessions (Browne, 2001). Thus, many of the representatives opposed government regulation, suggesting the maintenance of the status quo. The arguments for market regulation often surrounded the fact that a regulatory agency or legislation was already in place that was much more closely aligned with each stakeholder's purpose (e.g., the Agricultural Products Marketing Act, to which tobacco farmers were already accountable). Or, private regulation programs that were already seen as successfully implemented in Canada (e.g., Operation I.D.) or in another country (e.g., Outdoor Advertisers claiming that industry pre-screening for tobacco advertising worked in Germany) were cited as non-state tobacco control techniques (and thus in line with neoliberal theory).

Economic arguments were cited in tobacco control literature as early as the mid-1980s, when researchers recognized the tobacco industry technique of presenting

decision makers with overestimated impressive-looking figures on “the number of jobs dependent on tobacco, the income they produce and the tax revenues that are generated through sales of tobacco” products (Warner & Fulton, 1985, p.180). The overestimations were based on the tobacco industry intentionally neglecting to consider that if these resources were not used in tobacco production, they could be used in other productive economic activities (Warner & Fulton, 1985).

Mangurian and Bero (2000) found that tobacco industry internal documents revealed that the tobacco industry intentionally increased economic discussions at hearings debating environmental tobacco smoke. The arguments were planned: to emphasize the associated costs of legislation implementation to government; to suggest that increased cross-border sales would result in lost taxes to government; to argue the costs outweighed any benefits to businesses; and to highlight the negative economic consequences of lost tobacco production to the local and state economy. The arguments were phrased and evidenced anecdotally and rhetorically; similar to the economic and neoliberal arguments used in Bill C-71, in both content and delivery.

Major Tactic: Avoiding health debates.

During the few discussions about health, it appeared that the tobacco industry only willingly admitted to tacit facts about the negative health consequences that refuting would make them look ridiculous. Health was only discussed as the absence of ill health, not as an aspect of wellbeing. Manufacturers and less so, growers, specifically admitted to the harm caused by their products, but escaped blame by suggesting that informed adults were able to make decisions. This further emphasized neoliberal ideologies of governance by moving the problems and solutions onto the public. To suggest their

support for health, stakeholders commended government objectives and often argued that youth smoking was inappropriate and undesirable. However, the greatest attempts to evade health discussions involved the denial of evidence that a link between retailers' tobacco advertising, tobacco company sponsorship advertising, and allied industries tobacco-related products and services had to do with smoking uptake, especially among youth.

Youth smoking is a sensitive issue that within the avoidance of health discussions was specifically untouched. In the past, tobacco companies publicly denied that they tracked youth smoking trends and brand choices to understand the next generation of smokers that are replacing their existing smokers who die or quit. The tobacco industry has instead introduced a range of youth smoking prevention programmes, which it openly discusses. However, many researchers and advocates criticize these programmes, suggesting that it is doubtful that tobacco companies would sacrifice the future viability of their industry by operating effective youth prevention programmes (Wakefield et al, 2006). Some even argue these programmes are fronts for advocacy activities and opportunities to develop strategic links with retailers and legislators (Andersen, Begay, & Lawson, 2003). Thus, it appears that the tobacco industry discusses youth smoking in one respect with the general public and pursues opposing objectives in other forums.

The evasion of health discussions allowed tobacco industry representatives to bring conversation back to economic discussions, which related to the economic principles of neoliberalism that were much more easily defended. Further, the evasion of health discourse or mocking of health objectives using health discourse was implicitly supportive of neoliberalism. This is because in Canada, the public health care system and

health in general are dependent on the welfare state. Thus, in avoiding discussions on health, the tobacco industry representatives did not allow government to reign over arguments on health, and did so by criticizing health as unrelated to the debates. Tobacco industry representatives also frequently moved the discourse into the neoliberal framework by suggesting that past government interventions had, in fact, increased, and not hindered tobacco use, thereby arguing for state retreat.

Evidence of health avoidance was found in other studies, as researchers suggested that the tobacco industry has been fighting concerns about health effects since the 1970s (Muggli, Forster, Hurt, & Repace, 2001). In fact, avoidance of negative health effects and health discussion in general was labelled extremely dangerous by the tobacco industry during the US Environmental Protection Agency's debates on the classification of environmental tobacco smoke (ETS) as a carcinogen. The tobacco industry was extremely concerned that unfavourable labelling of ETS could cause concerns for traditional allies in buildings, restaurants, shopping areas, and sports complexes (Muggli, Forster, Hurt, & Repace, 2001).

Major Tactic: Strong reliance on scientific and judicial evidence

Scientific evidence. One of the key arguments used in the hearings was that no study proved a link between tobacco advertising and tobacco consumption. Tobacco manufacturers highlighted the disconnection most strongly, saying: "the one thing that advertising does not do is persuade people to start smoking" (p.18). Other stakeholder groups followed, suggesting their products, services, and sponsored events (which were viewed as tobacco promotions by the government) also did not cause smoking.

The reference to studies, or lack thereof, during parliamentary hearings was specifically important because the legislative predecessor to Bill C-71 was struck down in the justice system for a lack of sufficient evidence. As a result, many arguments were based on refuting government evidence by suggesting government “assumptions” were not based on sound science, and used references from unsupported opinion sources such as newspaper articles and non peer-reviewed journals.

Literature revealed that researchers most prominently argued tobacco industry intentions were to create ‘continuing controversy’ specifically within the scientific community. Controversy was created surrounding the effects of smoking on the health of smokers and non-smokers (Landman, Cortese, & Glantz, 2008). Academic books were commissioned and timed to counteract important health pronouncements about tobacco, which is extremely similar to the industry-funded novels by Pierre Lemieux and John Luik seen in this hearing. Books were discussed as a means of disseminating pro-tobacco viewpoints into academic and popular literature “to transform cultural repertoires while circumventing institutionalized structures of knowledge, such as the peer review process” (Landman, Cortese, & Glantz, 2008, p.977). Researchers additionally argued that for many years the tobacco industry had intentionally misrepresented scientific research, and used evidence that focused on small and inconclusive studies and excluded other larger and well-done reports (Repace & Lowrey, 1992). Similar techniques of denial and misinterpretation of large government studies were noted during Bill C-71 hearings.

Additionally, a previous review of transcripts on tobacco advertising litigation, determined that five major tactics were employed by defense witnesses, which resembled arguments used in Bill C-71 hearings:

- 1) Tobacco advertising has a relatively weak 'share of voice' in the marketing environment and is a weak force in affecting smoking behaviour.
- 2) Tobacco advertising and promotion do not create new smokers, expand markets, or increase total tobacco consumption.
- 3) The tobacco industry does not target, study, or track youth smoking.
- 4) Tobacco advertising and promotion do not cause smoking initiation by youth.
- 5) Tobacco companies and the industry adhere closely to relevant laws, regulations, and industry voluntary codes (Goldberg, Davis, O'Keefe, 2006, p.iv55).

Researchers suggested that witnesses provided arguments that suggested market share was steady, but ignored the movements of youth into the market and dying individuals out of the tobacco industry market. Furthermore, witnesses also discussed the limited impacts of advertising on non-smokers and cited advertising bans as evidence that restrictions do not change consumption rates (Goldberg, Davis, O'Keefe, 2006). Tobacco manufacturers used all of these arguments in Bill C-71 hearings, which demonstrate that essentially identical arguments opposing advertising restrictions have been transferred between countries and contexts, which may impact the transferability of this study's findings.

Many researchers also examined arguments about tobacco industry denials of research counter to its position. They suggested that epidemiological evidence was so powerful that tobacco industry's tactics often resulted in labelling counter-evidence as "junk science" (Ong & Glantz, 2001, p.1750), weak, or problematic due to significant confounding factors and bias (Francis, Shea, & Samet, 2006). In fact, Philip Morris used public relations firms to create a "sound science" program in the United States and

Europe to discredit evidence that secondhand smoke caused disease. The program created standards of good epidemiological practices that, in effect, made it impossible to conclude that second-hand smoke was linked to disease. Researchers warned that the “sound science” movement was not an attempt to improve the quality of scientific studies, instead, it was a public relations campaign that aimed to manipulate the standards of scientific proof to conform to tobacco industry position (Ong, & Glantz, 2001).

Additionally, Lopipero and Bero (2006) argued tobacco industry representatives often referenced polls and studies to demonstrate high levels of public support, as lawyers of tobacco manufacturers did in this study. However, these types of evidence typically suppressed public opinion surveys counter to industry position and produced industry sponsored poll results only (Lopipero & Bero, 2006). Other studies, presumably similar to those presented as evidence by health researchers to the Committees, determined that the overall attributable risk (adjusted for exposure to peer smokers) of smoking from tobacco-industry advertising and promotions was actually 25 percent (Pierce, Distefan, Jackson, White, & Gilpin, 2002).

Judicial evidence. The Supreme Court of Canada 1995 decision on the Tobacco Products Control Act (TPCA) was among the most prevalently used arguments against Bill C-71 by many stakeholder groups. This is because Bill C-71 proposed strong restrictions on advertising that were intentionally chosen by government to replace the rejected TPCA ban on advertising. The rejection of the ban was based on government’s failure to provide evidence that the legislation was rational and minimally impairing. During the parliamentary hearings on Bill C-71, tobacco industry representatives repeatedly compared the current bill to the TPCA, suggesting that its “de facto” or virtual

ban was similar to the advertising ban defeated in the TPCA. In the absence of scientific evidence, many groups used the 1995 Supreme Court decision as evidence that Bill C-71 should be defeated. They supported the comparison between the two claiming Bill C-71 and the methods used to create the bill were undemocratic, unconstitutional, unjustified, or unreasonable—an emphasis of legal language. The use of legal language and claims of lack of evidence were also interpreted to suggest that the true “lawmakers” existed within the justice system and not the government. This interpretation may explain why the majority of briefs submitted resembled report-style briefs intended for larger audiences (i.e., the courts).

Furthermore, tobacco industry stakeholders also repeatedly argued that government had not provided sufficient evidence to suggest that proposed restrictions would achieve health objectives. Many of these claims on reasonableness, justifiability and evidence echoed the arguments of the TPCA trials. However, in order to make these claims sound more familiar to legislators, the representatives used extreme interpretations of the restrictions on advertising and sponsorship. The representatives demonstrated accountability to their claims by selectively quoting Supreme Court Justices who had argued during the trial that the freedom of expression was inextricably connected to both individuals and corporations. However, they often neglected an essential statement supportive of government measures made by the speaker for the majority, Justice McLaughlin, which stated:

Where legislation is directed at changing human behaviour, the causal relationship may not be scientifically measurable. In such cases, this Court has been prepared to find a causal connection between the infringement and benefit

sought on the basis of reason or logic without insisting on direct proof of a relationship between the infringing measure and the legislative objective.

(Canada. Parliament. Senate. Standing Committee on Legal and Constitutional Affairs, *Evidence of Proceedings*, Issue No. 50, March 19, 1997)

It was noted in literature that the tobacco industry had been accusing governments of being coercive and too intrusive in private life since the 1980s (Warner & Fulton, 1985). Additionally, tobacco industry representatives had previously described government's actions as totalitarian or fascist in the past, implying that governments that imposed tobacco restrictions were similar to the anti-tobacco regimes of the three main fascist leaders of Europe, Hitler, Franco and Mussolini (Proctor, 2008). These arguments were used in the current study to suggest that government actions were undemocratic and unjustifiable.

Major Tactic: Consumer or market based solutions

Discussion surrounding consumer-based solutions were based on framing tobacco use as a choice to be made by informed adults. Interestingly, despite environmental tobacco smoke being established as a carcinogen in the 1990s, tobacco industry representatives during Bill C-71 continued to frame tobacco as an individual choice, pleasure or as having a normal risk. It appeared that the fact that tobacco was a choice was a pinnacle argument in the consumer-based framing of solutions. This removed the accountability of the tobacco industry from any consequences, and suggested that consumers were responsible to make their own decisions, and tobacco suppliers were merely servicing a consumer demand. It also moved power away from government to legislate regulations on corporations, an explicit neoliberal action.

This argument was specifically important as government-led health interventions in the last thirty years have begun to focus on a manufacturer-centred approach, as opposed to the individual-centred approach (Nathanson, 2005). By creating consumer-based solutions, the industry was attempting to move the causal role of tobacco-related health problems on to the consumers. To compliment the consumer-based solutions, tobacco industry representatives suggested that the industry would self-regulate to avoid government the hassle. The industry argued that solutions were already in place that could replace government-imposed solutions, such as increased inspectors and reporting requirements at all levels of the supply chain. This argumentation was seen to suggest the retreat of the state and a reliance on the private market.

Researchers suggested the framing of a consumer-based solution lied within the framing of tobacco. In the late 1980s, tobacco industry sponsored groups were created to convince the academic community that tobacco was a normal behaviour, comparable to “innocuous, pleasure-causing items like food and drink and the advanced idea that ‘smoking is a controlled pleasure—it does not take control’” (Associates for Research into the Science of Enjoyment (1993) in Landman, Cortese, & Glantz, 2008). Mars and Ling (2008) also suggested that the tobacco industry intentionally described tobacco as a choice to divert blame on to the consumers. However, industry employees interpreted “addiction” to smoking or tobacco as a major threat as it eliminated the “choice” in the matter (Mars & Ling, 2008). This likely explains the infrequent mention of “addiction” in Bill C-71 submissions.

Repace and Lowrey (1992) determined environmental tobacco smoke was minimized and described as “far less important” (p. 210) in discussions, as the industry

compared it against other indoor pollutants. Furthermore, these authors also noted the use of a parallel consumer-based solution that suggested common courtesy would solve all matters between smokers and nonsmokers. However, the study determined that the suggestion was false because the tobacco industry knew that the common courtesy principle had not worked in the past (Repace & Lowrey, 1992). In the current study, tobacco industry representatives suggested consumer-based education programs and media campaigns, knowing that evaluations of previous government media campaigns had been unsuccessful.

Some of the major debates noted as discursive tactics in this study have been discussed in research studies as undefined tactics. For example, one of the major tactics noticed was the placement of problems and solutions attributed to youth smoking on the public. Similarly, Wakefield, McLeod, and Perry (2006) discovered that the industry portrayed youth smoking as a source of great concern, and discussed educational programs they had implemented in school settings during litigation trials from 1992 to 2002. However, the programs focused on peer pressure as the primary influence, parental factors and access as the major causes of initiation—not tobacco industry marketing or other realistic initiators such as, inaccurate risk appraisal and price (Wakefield, McLeod, & Perry, 2006). Additionally, similar to Bill C-71 hearings, when tobacco companies described their youth access programs in courts, they discussed the associated costs and the uptake by participants, instead of evaluations to assess the effects on youth smoking behaviour (Wakefield, McLeod, & Perry, 2006). Carter (2003) also found that in the 1990s, when industry became newly compliant with "societal expectations" and youth became a dominant bargaining issue; the industry's policy was to simultaneously blame

others for underage smoking, frame the industry as socially responsible via voluntary marketing codes, youth access programmes, and school education (Carter, 2003).

Summary

Although it was presumed that the tobacco industry stakeholders would use tactical language, it was not expected that literature would provide evidence of the use of the discursive tactics with such similarity and specificity. This suggests that tactics are similarly used across legislative arenas, but are also shaped by and specific in content to the context. In light of this insight, it is surprising little research has specifically labelled tobacco industry attempts to change or delay legislation for what they are in reality—discursive tactics. Words and phrases have specific meanings and are used to perform actions (Potter, 2003), and it appeared that tobacco industry knows how and when to employ specific arguments. Given the strong connections within large multinational tobacco companies, it is likely that tactics were iteratively discovered through some individual country's experiences and shared among subsidiaries.

Conclusions

This study is novel in that it examined tobacco industry tactics in the Canadian legislative context. Further, the technique of discourse analysis was used to examine texts. Together this approach represents a relatively new area of investigation for the field of tobacco control research.

It can be concluded that tobacco industry stakeholders used particular types of discursive tactics in parliamentary hearings. However, the presence of similar tactics in many other legislative and litigation situations demonstrated that particular discursive tactics are re-used where contextual factors and particular tobacco industry stakeholders

can emphasize the tactic's applicability. The tactics prevalently employed in Bill C-71 hearings emphasized the Supreme Court of Canada dismissal of the Tobacco Products Control Act and the government's neoliberal public policies. The tactics focused on individual responsibility, freedom in the market place, entrepreneurship and a minimized government role. Appeals to "reason", "justice", and "democracy" were made by all tobacco industry stakeholders to liken Bill C-71 to its predecessor and undermine government's overall health objectives and specific regulations. Tobacco industry representatives portrayed government as the root of the problem of tobacco consumption and negative economic situation, thereby deflecting responsibility from themselves and evading health issues. Health issues were also only discussed by all stakeholders as the absence of disease, which identified a clear disconnect with complete definitions of health and health promotion as they were discussed in society then, and even more so now. The specific tactics constructed through interaction with texts included: 1) presentation of self (e.g., community-involved, victim); 2) undermining government efforts (e.g., harm-causing, counter Canadian tradition, totalitarian); 3) tactical use of evidence (manipulation of counter evidence, presenting misleading studies); 4) use of intentional discourse types (legal, constitution and democracy-based); 5) evasion of health discourse (e.g., superficial support for health objectives, denying links to tobacco industry); and 6) increasing economic discourse (framing self as entrepreneur, consumer and market-based solutions). Tobacco industry tactics were intricately linked and used specifically by stakeholders to whom the arguments best applied and could essentially provide the best delivery.

Implications and future directions

This study may be the first to examine tobacco industry arguments or discursive tactics in the legislative arena in Canada. Based on the similarity between this study's findings and those reported in other studies, it appears that discursive tactics are prevalent throughout the world—many using the very same arguments. However, further analysis is recommended in Canada.

It would be specifically helpful to the field of tobacco control to increase the transferability and generalizability of future study findings by altering analysis methods. This could be achieved by adding a quantitative component to this study that could measure tobacco industry representatives' arguments across hearings. For example, the stakeholders' definitions and descriptions of tobacco and smoking could be assigned an interpretive rating (based on all descriptions in the texts) and be compared to a rating of descriptions of government failure in tobacco control. An alternative approach could examine the frequency and relationship between health and economic discourse for each stakeholder group to document the value of the presumed inverse relationship. Moreover, qualitative and quantitative studies could also be used to map patterns of discursive arguments (e.g., evasion of health, economic) from 1988 to present day. Alternatively, qualitative or quantitative measures could be used to determine the strength and frequency of discursive tactics used by both anti- and pro-tobacco stakeholders.

Overall, this research and future research has the ability to provide insight to tobacco control researchers and health advocates about what discursive tactics can be expected in the legislative arena. This information is specifically important as tactics are moving into the legislative arena (Trochim et al., 2003) and further regulation of tobacco

advertising is being debated worldwide (e.g., bans on retail displays, bans on promotion at retail, etc.) (Goldberg, Davis, & O'Keefe, 2006). In fact, this study could act as a preliminary draft of a list of tactics used in the legislative arena in the very same way that Trochim et al. (2003) created a list of tactics used to counter tobacco control programmes in the United States.

Furthermore, it may even be possible that a small number of conclusions could be drawn specifically for health promoters. For example, it is important to note that stakeholders' positive or negative discussions on "tobacco" and "smoking" were indicative of their complete or incomplete support for health, and thus legislation. In future health legislation in the areas of obesity or chronic disease, for example, implicit positive or negative key descriptors will likely inform stakeholder action. It will also be important for health promoters (including those working in tobacco control) to increase the demand for scientists to provide clear articulation of strength of evidence or ensure judicial acceptance of logical and reasonable evidence the same way it has in recent years for the effects of advertising (leading to a final judicial acceptance of government evidence on the link between tobacco advertising and initiation in 2005) (Canada [Attorney General] v. JTI-Macdonald, [2007] S.C.C. 30, [2007] 2 S.C.R. 610).

In closing, it is important to also note that it was evident in the study that all stakeholders recognized that smoking should be discussed as it relates to social and cultural solutions, which may extend beyond tobacco control legislation independent of more government action in education, youth efficacy and general societal denormalization of tobacco. This observation is supported by research (e.g. Slama, 2004), and should be drawn on to encourage governments and tobacco control advocates to

continue in their approaches to societal and individual level approaches to decreasing tobacco consumption. In the near future, approaches could include continued use of societal "tobacco" and "smoking" denormalization techniques via regulations, and successfully-evaluated public education, while also expanding the scope of funding empirical and exploratory cessation treatments.

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Appendix A
Canadian Policy-Making Protocol

Appendix A

Canadian Policy-making Protocol

It is customary to discuss the organization of the Canadian federal government in terms of two separate branches, the executive and the legislative (Tindal, 2005). The executive branch consists of the Governor General, Prime Minister and Cabinet, and Civil Service Departments and Boards (Tindal, 2005). The legislative branch is separated into two houses of Parliament, an upper chamber called the Senate, and a lower chamber called the House of Commons (Tindal, 2005). Both houses of the legislative branch share a law-making role and must give their approval before a bill can become a law (Tindal, 2005).

The legislative process involved in the evolution of a bill (a draft law) to a formal law involves a staged process that begins by first passing the bill through the House of Parliament from within which it was introduced (Canada. Parliament. House of Commons. Canada. Parliament. House of Commons. Legislative Services, 2004). Upon introduction of a bill, the relevant House must undergo the process of a first reading, where the bill is received, printed and circulated (Canada. Parliament. House of Commons. Legislative Services, 2004). The second reading involves debating the principle of the bill, followed by its delegation to committees during the Committee Stage (Canada. Parliament. House of Commons. Legislative Services, 2004). Committees intensely examine the wording of a bill and consider public opinion to make amendments to the bill (Canada. Parliament. House of Commons. Legislative Services, 2004). Committees then create a report on the bill, recommending that it be accepted as is, with given amendments, or that it not be considered further (Canada. Parliament. House of

Commons. Legislative Services, 2004). This report stage allows for the bill to be considered by the whole House (Canada. Parliament. House of Commons. Legislative Services, 2004). If no amendments are made, a third reading is conducted as a final review, after which the bill is then sent to the second House to repeat the same process (Canada. Parliament. House of Commons. Legislative Services, 2004). If passed through both Houses, a bill receives Royal Assent by the Governor General and the draft law becomes a formal law (Canada. Parliament. House of Commons. Legislative Services, 2004).

The Committee Stage is very important in the legislative process. It is the stage during which the bill is reviewed with the most detail. It is also the only stage during at which public opinion about a bill is formally received. The committee members involved are a group of parliamentarians from the Senate, the House of Commons, or both. House of Commons Committees are composed of approximately 12 to 16 Members of Parliament, representative of the party standing in the House of Commons (Canada. Parliament. House of Commons, 2006b). Senate Committees are composed similar in size, consisting of appointed members who represent both the party in power and the opposition (Canada. Parliament. Senate. Electronic Senate Committees List, 2000).

Each committee is named the “master of their own proceedings” because they determine how to attain information about their bill and from whom (E. Kingston, personal communication, April 23, 2007). The process usually begins by seeking *interested parties* to provide information by advertising an inquiry to the public in printed media or on the committee’s Web site (Canada. Parliament. House of Commons, 2006a). It is protocol for interested parties to reply in the form of a brief. Briefs are any

documents presenting the views of an individual, group, organization or government department with respect to a particular issue (Canada. Parliament. House of Commons Canada, 2007). When the committee has reviewed all briefs received, it conducts public hearings, at which witnesses are invited to appear to make statements (Canada. Parliament. House of Commons Canada, 2006b). All public hearings are videotaped and transcribed verbatim; transcriptions are known as *Evidence* (Canada. Parliament. House of Commons Canada, 2006a). Typically, witnesses at public hearings are experts in a particular field, or are non-governmental organizations with a particular interest in the matter before the committee or, more rarely, private individuals (Canada. Parliament. House of Commons Canada, 2006a). For each study, the committee decides how long it will spend hearing witnesses, how many witnesses to hear and which specific witnesses appear before it (E. Kingston, personal communication, April 23, 2007). Committees select witnesses based largely on two criteria: the type of inquiry needed to review legislation and the amount of time available (Canada. Parliament. House of Commons Canada, 2006a). The committee then considers the evidence for preparation of the report for the House of Commons or Senate (Canada. Parliament. House of Commons, 2006a). At this point, the government then considers the report and responds to it (Canada. Parliament. House of Commons Canada, 2006a). Thus, committees are not a final decision-making body; however their reports have considerable influence on policy formation and decision-making in the House and Senate (Canada. Parliament. House of Commons Canada, 2006a).

Appendix B
Tobacco Industry Submission Information

Appendix B

Tobacco industry submission information

Submission information, including: date, stakeholder name, representative name(s), sampling source, stakeholder group classification, and reference code.

Date of Submission	Individual or organization stakeholder name	Representative Name	Type of text (incl. page no.)	Source	Stakeholder Group	Reference code
4-Dec-96	Corporate Classics	Tim Veale, Vice President & GM	B (1)	D	AI	AI1
6-Dec-96	Corporate Classics	Tim Veale, Vice President & GM	B (3)	A	AI	AI2
9-Dec-96	Outdoor Advertising Association of Canada (OAAC)	Brenda Carroll	B (1)	A	AI	AI3
10-Dec-96	Board of Trade of Metropolitan Montreal	André Godbout, First VP; Luc Lacharité, Exec. VP	T	W	AI	AI4
10-Dec-96	Montreal International with Greater Montreal Tourism Bureau	Francis Fox, President; Charles Lapointe, CEO; Gilbert Rozon, President, Just for Laughs	T	W	AI	AI5
17-Mar-97	F.P. Labour Consultant Services	Wally Majesky	B (2)	D	AI	AI6
27-Mar-97	Coalition for Commercial Freedom of Speech	Rupert Brendon, Chairman	B (8)	D	AI	AI7
2-Apr-97	City of Montreal	Pierre Bourque, Mayor	T	W	AI	AI8
2-Apr-97	Coalition for Commercial Freedom of Speech	Rupert Brendon, Chairman R.S. Engle, Legal Counsel	T	W	AI	AI9
2-Apr-97	Eddy Match Company Limited (Eddy Match)	David C. Pigott, President & CEO	T	W	AI	AI10
2-Apr-97	Flashmédia Inc. ("Flashmédia")	Nicolas Pénisson, President	T	W	AI	AI11
2-Apr-97	Gallop & Gallop for the Outdoor Advertising Association of Canada (OAAC)	Peter M. Gallop, Chairman & CEO;	T	W	AI	AI12

2-Apr-97	International Management Group (IMG)	Michael Merrall, Managing Director, VP of Event Marketing	T	W	AI	AI13
2-Apr-97	Montreal International & The Board of Trade of Metropolitan Montreal	Not signed	B (11)	D	AI	AI14
2-Apr-97	Greater Montreal Tourism Bureau	Hon. Charles Lapointe, P.C., President, Director General	T	W	AI	AI15
2-Apr-97	Tourism Toronto	Kirk Shearer, President & CEO	T	W	AI	AI16
3-Apr-97	F.P. Labour Consultant Services	Wally Majesky	B (9)	D	AI	AI17
8-Apr-97	International Trademark Association (INTA)	Mary Ann Afford	B (4)	D	AI	AI18
March, 1997	Outdoor Advertising Association of Canada (OAAC)	John Baird, Chairman of OAAC; Peter Gallop, President & CEO, Gallop & Gallop Advertising Inc.; René Deschamps, VP of Public Affairs, Mediacom Inc.; Jim Herrier, VP, Omni, The Outdoor Company; and Ron Barr, ED, Community and Government Relations, Gould Outdoor, a Division of the Pattison Group	B (29)	D	AI	AI19
No date	Save our events	Pierre Durand, Organizer	B (5)	AR	AI	AI20
9-Dec-96	National Association of Tobacco and Confectionery Distributors (NATCD)	Not signed	B (8)	A	DR	DR1
9-Dec-96	National Association of Tobacco and Confectionery Distributors (NATCD)	David Crouch, President; Luc Dumulong, Exec. VP; Mark Tobenstein, Chairman	T	W	DR	DR2
9-Dec-96	Consolidation of operators of vending cigarettes (REDAC)	Michel Bouliane, Advisor; Pierre Patenaude, Secretary	T	W	DR	DR3

10-Dec-96	Canadian Council of Grocery Distributors (CCGD)	Michel Fafard, Hudon et Deaudelin Ltée; Michel Nadeau, VP Public Affairs	T	W	DR	DR4
15-Jan-97	IGA Freson	Frank Lovsin, President	B (2)	A	DR	DR5
2-Apr-97	Alimentation Couche-Tard Inc.	Michel Gadbois, President and Director General	T	W	DR	DR6
3-Apr-97	Canadian Coalition for Responsible Tobacco Retailing ("Operation I.D.")	Not signed	B (12)	D	DR	DR7
3-Apr-97	Canadian Coalition for Responsible Tobacco Retailing ("Operation I.D.")	Peter K. Flach, Chairman	T	W	DR	DR8
3-Apr-97	Canadian Council of Grocery Distributors (CCGD)	Not signed	B (7)	D	DR	DR9
3-Apr-97	Canadian Council of Grocery Distributors (CCGD)	Michel Nadeau, VP Public Affairs and Member Services	T	W	DR	DR10
3-Apr-97	Canadian Federation of Independent Grocers (CFIG)	John Scott, President	T	W	DR	DR11
3-Apr-97	Consolidation of operators of vending cigarettes (REDAC)	Pierre Patenaude, President; Raymond Laporte, President, Legislative Follow-Up Committee; Luc Fontaine, VP; Diane Lamb, Secretary	T	W	DR	DR12
7-Apr-97	National Association of Tobacco and Confectionary Distributors (NATCD)	Not signed	B (10)	D	DR	DR13
7-Apr-97	National Association of Tobacco and Confectionary Distributors (NATCD)	David Crouch, President; Luc Dumulong, Executive VP; Mark Tobenstein, Chairman	T	W	DR	DR14
7-Apr-97	Ontario Korean Businessmen's Association (OKBA)	Not signed	B (14)	D	DR	DR15

7-Apr-97	Ontario Korean Businessmen's Association (OKBA)	Joseph Chung, Membership Service Manager	T	W	DR	DR16
6-Dec-96	Ontario Flue-Cured Tobacco Growers' Marketing Board (OFCTGMB)	Frank Menich, Chairman	T	W	G	G1
2-Apr-97	Office des producteurs de tabac jaune du Québec	Germain Ducharme, President	T	W	G	G2
April, 1997	Ontario Flue-Cured Tobacco Growers' Marketing Board (OFCTGMB)	Not signed	B (3)	D	G	G3
9-Dec-96	Pierre Lemieux	Pierre Lemieux	B (7)	D	I	I1
9-Dec-96	Pierre Lemieux	Pierre Lemieux	T	W	I	I2
2-Apr-97	John Luik	John Luik	B (12)	D	I	I3
2-Apr-97	John Luik	John Luik	T	W	I	I4
9-Dec-96	Canadian Tobacco Manufacturers' Council (CTMC)	Not signed	B (48)	A	M	M1
9-Dec-96	Canadian Tobacco Manufacturers' Council (CTMC)	Marie-Josée Lapointe, Director of Communications; Robert Parker, President & CEO	T	W	M	M2
9-Dec-96	McMaster Meighen	Colin Irving, Lawyer	T	W	M	M3
25-Mar-97	Canadian Tobacco Manufacturers' Council (CTMC)	Not signed	B (75)		M	M4
1-Apr-97	Canadian Tobacco Manufacturers' Council (CTMC)	Robert R. Parker, Chairman & CEO; Colin Irving, Legal Counsel, RJR-Macdonald Inc.; Simon Potter, Legal Counsel, Imperial Tobacco Limited.; Stephen Sofer, Legal Counsel, Rothmans, Benson & Hedges Inc.	T	W	M	M5
1-Apr-97	Swedish Match North America Inc. ("Swedish Match") via Stikeman, Elliot	Not signed	B (8)	D	M	M6

6-Dec-96	Association of Canadian Orchestras-Orchestras Ontario (ACO)	Betty Webster, ED	B (1)	D	SEO	SEO1
6-Dec-96	Vancouver International Film Festival (VIFF)	Jane MacDonald, Director of Communications	B (2)	A	SEO	SEO2
9-Dec-96	Quebec City Summer Festival	Michel Létourneau, GM	T	W	SEO	SEO3
9-Dec-96	Alliance for Sponsorship Freedom (ASF)	Not signed	B (53)	A	SEO	SEO4
9-Dec-96	Alliance for Sponsorship Freedom (ASF)	Mary Moulton, Executive Committee Member and representative of Neptune Theatre; Léon Méthot, representative of the Grand Prix de Trois-Rivières; Andy Nulman, representative of Just for Laughs Festival; Christine Matton, Public Relations Director of the Benson and Hedges Symphony of Fire; Mike Smith, representative of the Molson Indy	T	W	SEO	SEO5
9-Dec-96	Canadian Conference of the Arts (CCA)	Keith Kelly, National Director	T	W	SEO	SEO6
9-Dec-96	Tennis Canada	Jane Wynne, Tournament Director	T	W	SEO	SEO7
9-Dec-96	International Jazz Festival, Vancouver	Robert L. Kerr, ED	B (6)		SEO	SEO8
9-Dec-96	Grand Prix F1 of Canada Inc.	Normand Legault, Chairman and Chief Executive Officer; Richard Prieur, Director, Communications	T	W	SEO	SEO9
9-Dec-96	Harbourfront Centre	William Boyle, General Manager and Chief Executive Officer	T	W	SEO	SEO10
9-Dec-96	International Jazz Festival, Vancouver	Robert L. Kerr, ED	T	W	SEO	SEO11

9-Dec-96	Ontario Place	Max Beck, General Manager	T	W	SEO	SEO12
9-Dec-96	Tennis Canada	Richard Legendre, Director, Montreal Tournament; Bob Moffatt, President and Chief Executive Officer	T	W	SEO	SEO13
10-Dec-96	Tapestry Music Theatre	Claire Hopkinson, GM	B (1)		SEO	SEO14
10-Dec-96	Vancouver Fireworks Society	Raymond Greenwood	T	W	SEO	SEO15
27-Mar-97	Alliance for Sponsorship Freedom (ASF)	Not signed	B (79)	D	SEO	SEO16
1-Apr-97	Race Events Volunteers of Vancouver (REVV)	Andrew Watts, President	B (7)	D	SEO	SEO17
2-Apr-97	Alliance For Sponsorship Freedom (ASF)	Max Beck, General Manager, Ontario Place; Michel Létourneau, General Manager, Festival d'été de Québec	T	W	SEO	SEO18
2-Apr-97	Vancouver Fireworks Society	Raymond Greenwood, Chairman	T	W	SEO	SEO19
3-Apr-97	25th St. Theatre Centre Inc. (25th St. Theatre)	Karen Planden, General Manager	T	W	SEO	SEO20
3-Apr-97	Atlantic Federation of Musicians	Peter J. Power, President	T	W	SEO	SEO21
3-Apr-97	Canadian Conference of the Arts (CCA)	Keith Kelly, National Director	T	W	SEO	SEO22
3-Apr-97	Tennis Canada	Bob Moffatt, President	B (19)	D	SEO	SEO23
3-Apr-97	Tennis Canada	Richard Legendre, Director, Montreal	T	W	SEO	SEO24
3-Apr-97	Grand Prix F1 of Canada ("Grand Prix")	Léon Méthot, Chairman & GM	T	W	SEO	SEO25

3-Apr-97	Molstar Sports & Entertainment ("Molstar")	Brent Scrimshaw, President; Rick Dearden, Legal Counsel	T	W	SEO	SEO26
3-Apr-97	Molstar Sports and Entertainment ("Molstar")	Brent Scrimshaw, President	B (29)	D	SEO	SEO27
3-Apr-97	Theatre of Northern Ontario	Robert Gagné, Administrator	T	W	SEO	SEO28

Note.

Representative Name: CEO=Chief Executive Officer; ED=Executive Director; Exec.=Executive; GM=General Manager; Hon.=Honourable; PC=Privy Council; VP=Vice President.

Type of text: B=Written Brief; T=Oral Presentation Transcript.

Source: A=Library and National Archives Canada; AR=Senate of Canada Archivist; D=Database; W=Parliamentary Website (www.parl.gc.ca).

Stakeholder Group: AI=Allied Industry; DR=Distributors and Retailers; G=Growers; I=Independents; M=Manufacturers; SEO=Sponsored Events Organizers.

Information obtained from:

Canada. Parliament. House of Commons. Standing Committee on Health, *Evidence of the Committee*, Meeting No. 25, 26, 27, December 6, 9, 10 1996.

Canada. Parliament. Senate. Standing Committee on Legal and Constitutional Affairs, *Evidence of Proceedings*, Issue No. 50, 51, 52, 53, 54, 55, 56, 57, March 19, 20 1997, April 1, 2, 3, 7, 9, 10 1997.