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Tobacco Control Interest Groups and Their Influence on Parliamentary Committees in Canada

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Abstract:

Objectives:

The aim of this study was to determine how tobacco control interest groups influence tobacco policy decision-making through submissions and presentations to parliamentary committees.

Methods:

A qualitative content analysis was used to examine the presentations and submissions made to parliamentary committees. The sample was composed of submissions and presentations made to parliamentary committees regarding tobacco-related legislation between 1996 and 2004. The sample was identified from the public list of tobacco-related bills tabled in both the House of Commons and the Senate, and using the Government of Canada website and LEGISinfo to determine which committee reviewed the relevant bill. Committee clerks were asked to send submissions and presentations related to specific bills identified through LEGISinfo. Submissions and presentations were scanned and entered into QSR N6 for coding. The coding instrument was adapted from previous studies employing qualitative content analysis. Montini and Bero's¹ recommendations were used to evaluate the submissions and presentations.

Results:

Tobacco control interest groups did present scientific evidence to support tobacco control. However, they underutilized the use of credible witnesses to present information at meetings. The topics presented by tobacco control interests groups were usually relevant to the bill being discussed.

Conclusion:

Tobacco Control interest groups employed some of the strategies suggested by Montini and Bero's¹ in their attempt to influence parliament committees through submissions and presentations. They did include scientific evidence in their submissions; however, they can improve in the area of using credible witnesses, such as scientists and medical experts. Incorporating Montini and Bero's¹ recommendations into lobbying efforts may increase success in influencing committees.

Keywords: Public Health; lobbying; tobacco; consumer advocacy; federal government; Canada

Introduction

Health advocacy, a strategy of pressuring governments for legislative and regulatory changes that improve health, is an essential part of health promotion and public health policy. Interest groups engage in health advocacy by providing the public and policy-makers with information (e.g., technical or scientific), and lobbying policy-makers both in public forums and private forums to support particular positions.²

Tobacco control is an issue that evokes strong reactions from various stakeholders because it sits at the interface of individual versus collective rights, and health improvements versus tax revenues. Of all stakeholders, the tobacco industry has the most political clout given their wealth, despite their low credibility and a poor reputation.³⁻⁴ Thus, the inclusion of tobacco control interest groups (e.g., the Non-Smokers' Rights Association, Physicians for a Smoke-Free Canada or the Canadian Cancer Society) in tobacco control deliberations is necessary to advocate for public health. Otherwise, the tobacco industry and its interests might dominate policy discussions. This is occurring in other countries, for example, in Argentina, where tobacco control legislation is seen as weak due to strong industry pressure and an inability to learn from the experience of other countries.⁵ In Asia, the tobacco industry, in its efforts to counter and delay the process of tobacco control legislation and tobacco control regulations, is attempting to undermine tobacco control advocacy groups, including the World Health Organization and Asia Pacific Association of Control Tobacco.⁶ Effective health advocacy is required from tobacco control interest groups in order to achieve optimal tobacco control legislation.⁷

Some researchers have come to the conclusion that public forums are the most effective means of lobbying the government for change.⁸ An important finding from studies of lobbying

in different forums is that legislators have more positive attitudes toward non-for-profit health organizations and medical professional groups than toward the tobacco industry lobbyists.⁹ However, legislators reported not having enough contact with non-for-profit health organizations.⁹ Another study indicated that US Food and Drug Administration committees, required to review every document submitted, took note when documents were submitted multiple times, which may disadvantage coalitions that act on behalf of many organizations.¹⁰ Committee members also noted how the tobacco industry and tobacco control interest groups used the same scientific articles to support their differing arguments.¹⁰ Recent and peer reviewed articles also attracted officials' attention.¹¹ While these studies have focused on committee members' perceptions of viewed material, there is a lack of systematic understanding about the characteristics of the submissions or presentations.

The purpose of this study was to determine how Canadian tobacco control interest groups attempt influence tobacco policy decision-making in their written submissions and presentations to Canadian parliamentary committees. It is important to understand how this set of advocacy material comes across as a whole. By doing so, tobacco control interest groups can refine their presentation strategies to legislative and regulatory committees to effectively meet the groups' intended outcomes. According to Montini and Bero's¹ study, based on interviews with policy makers, tobacco control interest groups should 1) present scientific evidence to support tobacco control, 2) offer credible witnesses to present at meetings, and 3) need to understand factors, outside of science, that affect policy-making, for example timing of legislation and lobbying pressure. These recommendations were used to develop research questions with which to evaluate the presentations and submissions; however the study design did not allow the authors to examine the third recommendation. We asked if the tobacco control interest groups involved

in health advocacy: 1) provide scientific evidence to support tobacco control? 2) offer credible witnesses to present at meetings? and 3) present content themes that were consistent with the theme of the bill under consideration?

Methods

Design:

This study employed a qualitative content analysis, using a coding instrument adapted from Durrant, Wakefield, McLeod, Clegg-Smith and Chapman,¹² and Wenger, Malone and Bero¹³. The coding instrument was used to examine the presentations and submissions to parliamentary committees reviewing tobacco control legislation. The coding instrument is discussed in more detail in the *Data Collection/Instrument* section below. A pilot test was conducted with two coders to refine the instrument. Operational definitions of the codes were developed and a single coder (the primary author) was used to increase rigor. The study used publicly available documents and not confidential or personal data; thus an ethics review was not required.

Sample:

LEGISinfo and other Government of Canada websites were used to compile a list of bills tabled between the 35th Parliament 2nd Session and the 37th Parliament 3rd Session (February 27, 1996 to May 23, 2004). This eight year time period was advantageous in that it included many milestones in tobacco control legislation. Also, starting with the 35th Parliament 2nd Session, transcripts of committee meetings are readily available online. No bills involving tobacco control have gone to committee since the end of the 37th Parliament 3rd Session. The bill number, title, date of first reading, committee referrals, and furthest stage or date of Royal Assent were recorded. Ten bills regarding tobacco were identified as having gone to committee

during this time period. These committees include The House of Commons Standing Committee on Finance, The House of Commons Standing Committee on Health, The Senate Standing Committee on Social Affairs, Science and Technology; The Senate Standing Committee Legal and Constitutional Affairs; The Senate Standing Committee Energy, the Environment and Natural Resources; and The Standing Senate Committee on Banking, Trade, and Commerce. The clerks for the identified committees were contacted by email and requested to send any submissions to the committee regarding the specified bills. Four of the committee clerks sent the requested submissions in relation to nine bills; however, two bills were excluded because the submissions only included speaking notes and no further submissions (Table 1).

The committee meeting minutes and transcripts are available on parliamentary committee websites for bills introduced from the 35th parliament 2nd session onward. This information was used to make a list of presenters and organizational affiliations. The presentations analyzed in this study were extracted from these transcripts. The documents were catalogued, recording the committee to which they were submitted, the bill they concerned, the individual or organization making the submission, the date of submission (if available), and the title of submission. This list was then compared to the list of presenters to identify pairs of submissions and committee testimony.

Data Collection/Instrument:

The submissions were scanned and entered into QSR N6 for coding. The coding instrument was an adaptation of those used in other tobacco-related studies that employ content analysis.¹²⁻¹³ The coding instrument included information on the committee to which the presentation or submission was made, the bill it concerned, which organization made the presentation or submission, if they supported or opposed the bill, any recommendations made,

type of document (for example presentation, brief, research, newsletter), use of scientific evidence, and themes (for example tobacco advertising, promotion and sponsorship; youth smoking issues; and tobacco industry; legislation and regulation). For more information regarding the coding instrument, see Table 2.

Analysis

Emerging and predetermined themes were developed and refined during the coding process to reflect the analytical framework. The thematic categories were not mutually exclusive. Interpretations of findings were on-going during the coding and analysis process, and were conducted through deliberate discussions between the authors. The themes derived from the content analysis were compared to the themes in the bills to determine if the themes presented were on topic.

Results and Discussion

The sample consisted of twenty-one presentations and thirty-nine submissions written in English. The submissions and presentations related to seven bills made to four parliamentary committees. The most common type of document submitted to committees were briefs prepared by tobacco control interest groups (n=12). The second largest category of documents were journal articles that the interest groups used to support their opinion (n=11). The least common types of documents submitted were letters from tobacco control interest groups to the committees (n=3), and questions prepared by the tobacco control interest groups directed at the industry (n=1).

The presentations and submissions in the sample were made by eight tobacco control interest groups. The interest groups engaged in health advocacy were categorized as Tobacco Control Specific Organization (organizations that's main objective is tobacco control, for

example the Non-Smokers' Rights Association), Health Advocacy Group (organizations that have a broad mandate of improving health or are disease-specific, for example, the Canadian Cancer Society), or Professional Organization (organizations that represent the interests of a specific profession, for example, the Canadian Medical Association and the Canadian Association of Fire Chiefs). The Non-Smokers' Rights Association (NSRA) made the most submissions (n=14, Table 3) however, thirteen of these were made to the same committee regarding the same bill (C-71). The organization that made the largest total number of presentations and submissions to committees regarding different bills was the Canadian Cancer Society (CCS) (n=4 submissions regarding different bills, n=4 presentations).

Groups have an opportunity to express support or opposition for the bill in both their submissions and their presentations. Professional Groups rarely expressed their view on the legislation. The only example in the sample was the Canadian Association of Fire Chiefs who opposed Bill 260, An Act to amend the Hazardous Products Act (fire-safe cigarettes), because they favoured measures being taken by Health Canada. Most Health Advocacy Groups did not express support or opposition for the bills either, but CCS did in three-quarters of submissions and presentations in the study. The Tobacco Control Specific Organizations explicitly expressed support or opposition more frequently (n=13) than the other two categories (combined, n=7). They were also more likely to express this support during a presentation than in a submission.

The report written by the Standing Senate Committee on Social Affairs, Science and Technology on Bill S-13, *An Act to incorporate and to establish an industry levy to provide for the Canadian Tobacco Industry Community Responsibility Foundation*, mentions that it was supported by over one hundred groups and organizations across Canada. The tobacco control interest groups identified in the report included the Canadian Cancer Society, the Canadian

Medical Association, and the Heart and Stroke Association. The only tobacco control interest group found in this study to support Bill S-13 was the Quebec Coalition for Tobacco Control, suggesting that organizations may state their support in other ways that were not examined in this study, for example conversations (in person or on the telephone), through the media, or press releases which were outside of the purview of this study.

Did the tobacco control interest groups present scientific evidence to support tobacco control? There is evidence that scientific evidence was part of the process. This includes providing journal articles to the committee (n= 11) and citing journal articles in briefs (n= 12 of 12). These articles include both systematic reviews and epidemiological studies. This is important because there is strong available evidence in favour of tobacco control and this analysis demonstrates that science was introduced to the policy making process.

Did the tobacco control interest groups offer credible witnesses to present at meetings? The organizations did not provide scientists or medical experts as witnesses; instead the presenters were always a spokesperson from the tobacco control interest groups. This might be seen as a deficit in the tobacco control interest groups' overall tobacco prevention strategy. This is an underutilized method of influencing policymakers; both Bero et al.¹⁴ stressed the importance of providing scientists as witnesses. This is important because policy-makers rate witnesses provided by tobacco control interest groups as more credible than the lawyers and scientists provided by the tobacco industry as witnesses.⁹ Did the tobacco control interest groups present content themes that were consistent with the theme of the bill under consideration? Despite not explicitly supporting the legislation in the submissions and presentations, tobacco control interest groups were generally on topic with the bill. The most common themes tobacco control interest groups mentioned were tobacco advertising, promotion and sponsorship (n=42,

combined presentations and submissions), and youth smoking (n=37, combined presentations and submissions). This is not surprising, since two bills were regarding tobacco advertising, promotion and sponsorship (C-71 and C-42), and three bills were regarding youth smoking (C-71, S-15, and S-20). In submissions and presentations regarding C-71 and C-42, 81% mentioned the theme of tobacco advertising, promotion and sponsorship, while 86% of the submissions and presentations regarding C-71, S-15, and S-20 mentioned the theme of youth smoking. All of the submissions and presentations regarding C-260 mentioned the theme of hazardous products. Other commonly mentioned themes include education (n=23, combined presentations and submissions), health effect of smoking (n=22, combined presentations and submissions), and tax (n=22, combined presentations and submissions). Themes that were not commonly mentioned include personal rights (n=2, combined presentations and submissions), environmental damage (n=5, combined presentations and submissions), and farming/trade (n=5, combined presentations and submissions).

Limitations

This study did not examine if submissions or presentations were more effective in influencing policymakers; future research is needed to link the process to outcomes. As well, this study employed a content analysis of presented material – an analysis of discursive devices or other subtle ways to influence decision-making might reveal further insights about the policy process.

Examining one aspect of the legislative process (i.e., Parliamentary Committee meetings) excludes issues and topics that are dismissed at earlier stages and actors who participate in other stages. The two committees that did not provide the requested documents were the House of Commons Standing Committee on Finance and the Senate Standing Committee on Banking,

Trade and Commerce, which both reviewed finance bills, including bill involving tobacco taxes. Thus, the exclusion of these submissions limits the scope of topics and the range of actors examined in this paper. This study provides a description of the themes presented by Tobacco Control Interest Groups and not an evaluation of the submissions or issues presented. As well, this study did not evaluate the scientific evidence provided by the Tobacco Control Interest Groups to determine if it was the best available evidence or properly interpreted. This study was unable to examine the third part of Monini and Bero's framework¹, that is, the need to understand factors, outside of science, that affect policy-making. Due to limited resources, the authors did not have the ability to review French language submissions; however this did not exclude traditionally French language groups (for example, Info-Tabac and Coalition québécoise pour le contrôle du tabac) because many of the submissions were translated into English and the transcripts of the committee meetings are provided in both official languages.

The strength of this study is that it is the first to examine the content and organizational affiliation of parliamentary committee submissions related to federal tobacco control bills. The hope is that this analysis will stimulate further work in this important policy area.

Conclusion

Using presentations and submissions to parliamentary committees, the influence of tobacco control interest groups were analyzed using a qualitative content analysis and the framework set out by Montini and Bero's.¹ Tobacco Control Interest Groups employed some of the strategies suggested by Montini and Bero's¹ in their attempt to influence parliament committees through submissions and presentations. They did provide scientific evidence in both the form of submitted articles and referencing articles in submitted documents and presentations. There was also some evidence that they understand other factors (outside of science) that

influence policy-making; however this needs further investigation. An area where tobacco control interest groups can improve is in providing credible witnesses, for example, scientists and medical experts, in addition to employees of the organization. Incorporating Montini and Bero's¹ recommendations into lobbying efforts may increase success in influencing committees not only for tobacco control interest groups but also for other public health advocates working in similar areas.

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Table 1: Bills examined

Bill Number	Bill Title	Parliament, Session (Start/End Dates)	Committees
C-71	An Act to regulate the manufacture, sale, labeling and promotion of tobacco products, to make consequential amendments to another Act and to repeal certain Acts	35 th Parl, 2 nd Sess (February 27, 1996 – April 27, 1997)	Senate Committee – Legal & Constitutional Affairs
S-5	An Act to restrict the manufacture, sale, importation and labeling of tobacco products	35 th Parl, 2 nd Sess (February 27, 1996– April 27, 1997)	Senate Committee – Social Affairs, Science & Technology
C-42	An Act to amend the Tobacco Act	36 th Parl, 1 st Sess (September 22, 1997– September 18, 1998)	Senate Committee – Legal & Constitutional Affairs
S-13	An Act to incorporate and to establish an industry levy to provide for the Canadian Tobacco Industry Community Responsibility Foundation	36 th Parl, 1 st Sess (September 22, 1997– September 18, 1999)	Senate Committee – Social Affairs, Science & Technology
S-20	An Act to enable and assist the Canadian tobacco industry in	36 th Parl, 2 nd Sess (October 12, 1999–	Senate Committee- Energy, the Environment

	attaining its objective of preventing the use of tobacco by young persons in Canada	October 22, 2000)	and Natural Resources
S-15	An Act to enable and assist the Canadian tobacco industry in attaining its objective of preventing the use of tobacco by young persons in Canada	37 th Parl, 1 st Sess (January 29, 2001– September 16, 2002)	Senate Committee- Energy, the Environment and Natural Resources
C-260	An Act to amend the Hazardous Products Act (fire-safe cigarettes)	37 th Parl, 2 nd Sess (September 30, 2002– November 12, 2003)	House of Commons – Standing Committee on Health

Table 2: Coding Instrument

Items in Instrument	Code Categories	Operational Definitions	Research Question Addressed
Affiliation	Non-Smokers' Rights Association	The affiliation listed in the committee meeting minutes or the organization that submitted documents to the committee	Description of Participants
	Canadian Cancer Society		
	Ontario Campaign for Action on Tobacco		
	Info-Tabac		
	Physicians for a		

	Smoke-Free Canada		
	National Cancer Institute of Canada		
	Coalition québécoise pour le contrôle du tabac		
	Canadian Association of Fire Chiefs		
Type	Brief	A document providing background on the issue prepared by the organization	Description of Participants
	Speaking notes for presentation	Power point slides and speaking notes for presentations to the committee (corresponds a presentation in the committee meeting transcript)	Description of Participants
	Letter	Letters to the committee from the organization	

	Research/Article	Copies of journal articles	Description of Participants and Question 1: provide scientific evidence to support tobacco control
	Questions	Lists of questions provided by an organization for the committee to ask other organizations (e.g., tobacco industry representatives)	Description of Participants Description of Participants Description of Participants Description of Participants
	Transcript of Committee Meeting	Transcripts of the committee meetings available on the committee website	Participants
	Newsletter/Memo	A document provide to the committee from an organization that was originally produced as an memorandum or	

		organizational newsletter	
	Other	Items that did not fit into the above categories, e.g., other types of documents, art work, or advertisements	
Which Committee	House of Commons Standing Committee on Health	To which committee was the information submitted/presented	Description of Participants
	House of Commons Standing Committee on Finance		
	Senate Standing Committee on Social Affairs, Science and Technology		
	Senate Standing Committee on Legal and Constitutional Affairs		
	Senate Standing		

	Committee on Energy, the Environment and Natural Resources		
	Senate Standing Committee on Banking, Trade and Commerce		
Which Bill	C-11	Which bill was the information submitted/presented in regard to	Description of Participants
	C-71		
	C-42		
	C-26		
	C-47		
	C-260		
	S-5		
	S-8		
	S-13		
	S-20		
	S-15		
References	Primary research conducted by the organization	Description of the research cited by the organization in their submissions and presentations	Question 1: provide scientific evidence to support tobacco control
	Research from other Tobacco Control Interest Groups		

	Government Report/Publication		
	Journal Article		
	Monograph		
	Tobacco Industry Paper		
	Symposium/Conference Presentation		
Title of Presenter	Executive Director	From the committee meeting minutes	Question 2: Offer credible witnesses to present at meetings
	Director		
	President		
	Vice President		
	Program Manage		
	Senior Policy Analyst		
	Legal Counsel		
	Coordinator		
	Health Consultant		
	Physician/Doctor		
	Scientist/Researcher		
Themes	Health effects of smoking	e.g., cancer, cardio- vascular disease, lung disease	Question 3: what themes did they present in their presentations and submissions?
	Second-hand smoke issues	The harm of second- hand smoke, and	

		location – in public, inside/outside, in private.	
	Tobacco consumption	Rates and trends of tobacco consumption	
	Tobacco advertising, promotion, sponsorship	Limitations on tobacco advertising, promotion and sponsorship	
	Economic issues	Costs to society, government, individual	
	Farming and trade	Economic issues related to farming and trade, and compensation to tobacco farmers	
	Product issue	Design of tobacco products (e.g., vents)	
	Addiction	Information related to addictive properties of tobacco (e.g., nicotine)	

	Youth access issues	Sales to youth, buying for youth, product targeted to youth (for example, smokeless tobacco products)	
	Education, prevention & cessation programmes, services and campaigns	Discussion of programmes or services available or proposed to educate the public about the harm of tobacco and cessation programs	
	Environmental damage	e.g., fire, litter	
	Tobacco industry	References to the tobacco industry (e.g., past actions, reactions to bill)	
	Denormalization	Campaigns revealing the lies to and manipulation of the public by the tobacco industry	
	Warning labels	Warning labels on	

		cigarette packages, including the pictures and phrases	
	Sales location	Issues at the location of sale, where cigarettes are sold, advertising in stores.	
	Tax	Changes in taxation of tobacco, use of tobacco tax revenue	
	Smuggling	Smuggling from other jurisdictions	
	Packaging	Plain packaging	
	Contraband	Contraband products	
	Labeling	Tobacco products labeled Light/Mild	
	Other tobacco products	Smokeless tobacco, chewing tobacco, flavoured tobacco	
	Legislation/regulation	Legislation/ Regulation in other jurisdiction and how it can be applied to	

		the situation	
	Legal issues	Potential legal issues that can be foreseen with the legislation or faced in other jurisdictions	
	Hazardous products	Classifying tobacco as a hazardous product	
	First Nations issues	Traditional uses of tobacco	
	Personal right	Right to smoke vs. right not to be exposed to second-hand smoke	
	Other	Issues not mentioned above	
Support the Bill	Yes	Stating support or opposition to the bill in the presentation or presentation	
	No		
	Yes, with amendments		
Recommendations	Addition	Recommendation that an amendment be	

		added to the bill	
	Deletion	Recommendation that a section be removed from the bill	

Table 3: Type of submission by tobacco interest group*

	Brief	Letter	Article	Questions	Newsletter/ Memo	Other	Total
Non-Smokers' Rights Association	2		6		3	3	14
Canadian Cancer Society	3	1	1		1		6
Ontario Campaign for Action on Tobacco			1				1
Info-Tabac	1						1
Physicians for a Smoke-Free Canada	1	1	1		1	1	5
National Cancer Institute of Canada	2					1	3
Coalition québécoise pour le	3		2	1	1	1	8

contrôle du tabac

Canadian 1

Association of Fire Chiefs 1

Chiefs

Total	12	3	11	1	6	6	39
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* Includes multiple submissions regarding the same bill