

- ISSUE BRIEF - SECONDHAND SMOKE ACCOMMODATION STRATEGY

This issue brief explains how the cigarette companies have used a so-called “accommodation” strategy as a corporate social responsibility initiative to shield themselves from criticism stemming from harms caused by their products to non-users while placing responsibility on the shoulders of others.

THE ISSUE

The issue of secondhand smoke is one that the tobacco industry is desperate to diffuse. The industry has recognized that smoking has become less socially acceptable in the face of public health reports that have alerted society to the fact that secondhand smoke exposure can cause disease and death, despite industry denials to the contrary. Unable to use its usual “freedom of choice” argument that it applies to the rights and responsibilities of individuals who smoke, it has tried instead to use a corporate social responsibility tactic it calls the “accommodation strategy,” which it hopes will help avert regulation by changing the debate around secondhand smoke to one of courtesy and accommodation of tobacco smoke as a mere “annoyance,” as opposed to the deadly threat it truly presents. Instead of taking responsibility for the noxious fumes its products cause, the industry seeks to shift the responsibility for its fallout back onto the public.

THE EVIDENCE

* Public health authorities have found that exposure to secondhand smoke is harmful and can cause disease and death in non-smokers, a finding which threatens the tobacco industry’s bottom line.

- In 1986, the U.S. Surgeon General stated conclusively that exposure to secondhand smoke is the cause of premature disability and death.¹
- In 2006, the Surgeon General went even farther, stating that there was no safe level of exposure to secondhand smoke.²
- The U.S. Environmental Protection Agency declared secondhand smoke to be a known Class A carcinogen in 1993,³ a finding which the state of California echoed in 2005.⁴

Second Hand Smoke As A Threat to the Tobacco Industry

* Even before the release of the first Surgeon General’s report on secondhand smoke in 1986, the tobacco industry understood that it had an enormous challenge in combating public perception of the dangers of secondhand smoke.⁵ In the late 1980s and early 1990s, the tobacco industry decided it was going to have to alter its strategy of outright denying that secondhand smoke was not dangerous and insisting that there was no need for partitioning smokers from non-smokers. The industry began to formulate what was later called the “accommodation strategy.”

- Handwritten notes summarizing a 1986 meeting of the Tobacco Institute’s ETS Advisory Group quoted one of its lawyer members, John Rupp, as saying “ETS [is the] Achilles heel of the industry.”⁶
- In 1987, The Tobacco Institute hosted a meeting of tobacco executives to discuss formulating a strategy to deal with the issue of declining social acceptability of smoking and the rise of momentum in favor of regulating secondhand smoke.⁷

- The meeting notes stated that secondhand smoke was a “[p]roblem in the U.S. Industry is going down, ETS is contributing to that.”⁸ A lawyer for the Tobacco Institute summed up the industry’s dire situation with regard to secondhand smoke: “Where we are . . . In deep sh*t.”⁹
- Those at the meeting conceded that the industry’s traditional tactic of denying the science regarding secondhand smoke^{10,11,12} was not viewed as credible and therefore was not a viable long-term strategy to prevent regulation and liability, and stated “We cannot say ETS is ‘safe’ and if we do, this is a ‘dangerous’ statement,” and predicted a “devastating effect on sales” because concerns about secondhand smoke consequences could lead to regulation of smoking in public venues such as airplanes and at social gatherings.¹³
- Moreover, because secondhand smoke affected non-smokers, the tobacco industry could not assert its standard “freedom of choice” argument on behalf of smokers.¹⁴

“Operation Down Under”

* The 1987 meeting resulted in a new strategy called “Operation Down Under,” which proposed a “controlled retreat” whereby the industry would characterize secondhand smoke as a “nuisance” or “annoyance” that should be ameliorated via “courtesy” and “accommodation” between smokers and non-smokers.¹⁵ By agreeing to weak smoking restrictions such as designated smoking areas, while emphasizing communication between smoking and non-smoking individuals as being more effective than regulation, the industry hoped to appear reasonable and make opponents of public smoking appear unreasonable. This strategy employed a corporate social responsibility tactic of improving corporate image through apparent conciliation with regulators and accommodation of both its customers and its opponents, while simultaneously emphasizing the personal responsibility of smoking consumers and opponents and victims of secondhand smoke exposure. The strategy attempted to divorce and shield the tobacco companies from any sort of actual corporate responsibility and to avert regulation.

- The meeting notes stated: “If they are fanatics and we are fanatics (i.e., we don’t budge on accommodation), we lose. If we succeed in changing the way the game is played . . . we create public perception that we are reasonable by saying we support accommodation as long as smokers’ rights are not abridged.”¹⁶
- The Operation Down Under memo advocated trying to resolve the issue through “common sense [and] courtesy, with no need for regulators to intervene by banning public smoking”¹⁷
- Philip Morris was the first company to adopt the Operation Down Under accommodation strategy, beginning in 1987, by creating its accommodation program and enlisting the help of the hospitality industry to advocate for its position that improved ventilation would solve the secondhand smoke problem.¹⁸

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The Accommodation Strategy

* Over time, smoking has lost social acceptability, with smokers being characterized as selfish and malodorous, while the momentum for regulation on their activities has gained force.^{19,20} In response, the tobacco industry formulated a so-called “accommodation strategy” focused largely on maintaining social acceptability for smoking and protecting smokers’ rights to light up in public. It placed particular emphasis on courtesy and accommodation, as well as maintaining that the public had a personal responsibility to referee its own disagreements about public smoking, without the interference or intervention of regulators and public officials.

- A report prepared for Philip Morris by public relations firm Burson-Marsteller in 1990 anticipated this trend, stating that “social acceptability is ultimately the bedrock upon which the industry’s long run survival depends,” and warning that “[t]he ultimate danger is in the area of social acceptability.”²¹
- The consultants proposed what it called “an accommodation solution . . . to regenerate a value alignment on public smoking which is comfortable for both smokers and non-smokers.”²² The accommodation strategy would be based upon the principle “that there is a high value in social peace and the collective acceptance

of differences within a framework of mutual respect and toleration.”²³ The memo sums up, stating that “the objectives of an accommodation strategy thus turn out to be two-fold: first, to provide the themes and ideas that allow smoking to remain a legitimate choice in a society which respects social harmony and, second, to simultaneously preserve the public space for smoking to occur.”²⁴

- The report candidly revealed the darker side of its harmony and mutual respect strategy, which the report summarized as follows: “[t]hose who would disturb the social peace of smokers and non-smokers by overriding [sic] the rights of one over the other are anti-social. THIS CONCEPT PUTS THE ANTI-SMOKING ACTIVIST OUTSIDE THE GENERAL CONSENSUS AND MAKES HIM, NOT THE SMOKER, ANTI-SOCIAL.”²⁵ The report revealed the real purpose of the program, which was to “take the existing social issue and force it to take a particular shape that would be favorable to the long run interests of the industry and its consumers.”²⁶
- The main thrust of this accommodation strategy was to keep the focus on personal responsibility and individuals communicating with each other as a way to avoid government regulation: “A basic principle of the accommodation approach must be that accommodation of smokers and non-smokers is a highly interpersonal matter that should not be subject to legislation.”²⁷ The memo’s author emphasized, “accommodation must be perceived to be for smokers, not for the tobacco industry. If smokers are not visible carriers of the accommodation message, it will lack credibility.”²⁸ By asserting that it’s up to individual smokers and non-smokers to dialogue in a courteous manner and smooth over the “annoyance” of secondhand smoke, as opposed to it being the appropriate province of regulators to force a smoking ban and for tobacco companies to create a product that doesn’t cause such harm, the tobacco industry passed the buck to others to clean up the mess that its products create and took no real corporate responsibility for the issue.

Annoyance vs. Health

- * The tobacco companies decided during the Operation Down Under meeting that there was a need to partition the issue of health from the debate about secondhand smoke, and invented a diversionary lexicon or vocabulary, declaring that “Annoyance is [the] underlying issue to ETS, not health.”²⁹ The Operation Down Under meeting notes spelled this strategy out very clearly. They stated “We have partitioned annoyance and health.”³⁰
- A 1993 report compiled by PR agency Young & Rubicam, which also worked on the notorious Joe Camel Campaign,³¹ wrote a report about the language that should be used in discussing the secondhand smoke issue.³² The report’s objectives were to use coded language and slogans to “moderate attitudes and public opinion about [secondhand smoke]; humanize smokers and bolster their self-esteem; help forestall further smoking bans and restrictions in public/work places; [and] to the extent possible help put [secondhand smoke] in its proper perspective.”³³ The report even contained a glossary which defined “People Who Smoke” as “The newest minority; The oppressed minority; Social Shutouts – or – Accommodating; Considerate; Compromising.”³⁴ “Anti Smoking Lobby and Activists” were defined variously as “Militants; Zealots; Moral supremacists or elitists; Inflexible authoritarians; Confrontationists; Alarmists – Extremists; Smoker phobics; HVE’s – highly vocal (visible) extremists.”³⁵ Accommodation was defined as “Cooperation; Equal treatment; A place for Both Choices; Compromise; Equal Provision.”³⁶
- The Burson-Marsteller memo echoed this intention to create a new vocabulary to finesse the concerns about secondhand smoke exposure, recommending the creation of “‘conversation guidelines’ between smokers and non-smokers as to how to deal politely and respectfully with annoyance situations so that both sides learn a ‘language’ of accommodation that reduces embarrassment and annoyance.”³⁷ The memo asserted that “courteous smoking must be managed as a major communications theme, which is constantly stated, reinstated, and rewarded, much like safe driving, moderate drinking, or respect for racial and ethnic minorities.”³⁸

The Options Ventilation Program

- * Philip Morris picked up the idea and ran with it, establishing a ventilation promotion program that ignored the issue of the health dangers secondhand smoke causes and calling it merely an “annoyance” which improved ventilation could adequately address. Its Options ventilation program was a new corporate social responsibility program to effectuate the accommodation strategy, which integrated the industry’s ideas about how to simultaneously address the threatening issue of secondhand smoke and improve the company’s corporate image.
- Building on an idea floated in the Burson-Marsteller memo on accommodation to encourage businesses to improve ventilation,³⁹ on June 2, 2000, Philip Morris established the Options ventilation support program and

added corporate makeover double speak to the euphemistic vocabulary established at previous industry strategy sessions, stating that the Options program's purpose was "to provide comfort and balance for both non-smokers and smokers in public."⁴⁰

- The Options program strategy was to avoid regulation of public smoking and instead to focus the attention of the public, the hospitality industry, and regulators on eliminating the "annoyance" of secondhand smoke via supposedly improved ventilation.⁴¹
- Yet Philip Morris realized that there were legal implications⁴² to its message and hedged its bets; both the company's Options brochure⁴³ and website⁴⁴ contained the following disclaimer: "Options, Philip Morris USA, does not purport to address health effects attributed to environmental tobacco smoke"
- Literature for the Options program touted Philip Morris's corporate responsibility, stating "At Philip Morris USA, we are working to find constructive alternatives that respect everyone's choices and preferences. It is one part of our role as a responsible company in a changing world."⁴⁵
- The Options program allowed Philip Morris to appear as if it were taking positive action to address secondhand smoke concerns, but in point of fact it continued the tobacco industry's strategy of deflecting responsibility away from itself. With the focus on improved ventilation, it was merchants and restaurant owners who would bear the costs of the proposed solution, not the tobacco corporations.
- A scientific study published the same month the Options program was launched stated unequivocally that ventilation cannot adequately address the dangers of secondhand smoke exposure, and refuted the industry's "vague claims about the efficacy of ventilation."⁴⁶

From "Black Hat" to "Gray Hat"

* A key purpose of the accommodation strategy's focus on courtesy was to make the tobacco companies sound reasonable and those who opposed public smoking appear to be radical and out of touch with mainstream society.

- The meeting notes from Operation Down Under capture this goal thusly: "We will go from 'black hat' to at least 'gray hat' on this issue, the anti's [sic] will attack, become shrill and unreasonable in the face of our accommodation and reasonableness."⁴⁷
- This part of the strategy depended as much or even more on making tobacco control and public health advocates look negative as it did on making the tobacco companies appear positive. Accepting what was quickly becoming the status quo – e.g., separate smoking sections in restaurants – would, in the opinion of the attendees of the Operation Down Under conference, "Isolate anti-smokers and make them perceived as shrill and unreasonable."⁴⁸ The industry's cynical and disingenuous position becomes clear with this quote from the conference notes: "Our aim is to recruit smokers, placate non-smokers and isolate anti's whose shrillness in response to this change in policy will make them appear unreasonable to the first two groups, while positioning the company as good, reasonable and accommodating."⁴⁹
- A 1998 Philip Morris memo summed up the company's goal in pursuing the accommodation strategy as follows: "Position PM as an organization that seeks reasonable, common ground options to complex problems."⁵⁰
- Even as the tobacco companies still vociferously opposed and tried to thwart public smoking bans and other measures to protect people from exposure to secondhand smoke, the companies sought to use corporate social responsibility programs like the Options ventilation program to make them appear to be concerned about the problem. In its brochure describing the Options program, Philip Morris doffed its "gray hat," stating that "Public-place smoking does not have to be a contentious issue. We believe that reasonable people seek constructive answers that respect everyone's choices and preferences."⁵¹
- In addition to making smoking socially acceptable again and diverting the public and regulators from focusing on the adverse health effects of secondhand smoke, the accommodation strategy sought to transform the tobacco industry's longstanding image as a tough and uncompromising bully ("black hat") into at least a less-hated industry ("gray hat"), if not a beloved one.

Diversionary Tactics

* Despite Philip Morris's public pose of concern about secondhand smoke exposure, Philip Morris's internal documents tell a different story about the company's realistic view of the problem of secondhand smoke and the length to which the company thought that lip service to corporate social responsibility through programs like Options could go to ameliorate the public's and regulators' belief that exposure to secondhand smoke was dangerous to health and should be minimized through regulation.

- In May of 2001, Philip Morris held a Public Place Smoking Policy and Planning Meeting to discuss issues and strategies surrounding secondhand smoke, including the Options program.⁵²
- Notes from that meeting reveal the company's pragmatism about the lack of effectiveness of its denial of the science around secondhand smoke, the legal peril that such an approach could engender ("PM does not know the level that is safe for ETS. We acknowledge this and are trying to find the safe level. . . . PM needs to quit denying things. We don't know safe [indoor air quality] level, liability now an issue."),⁵³ and the ultimate ineffectiveness of the Options program ("Better ventilation systems can reduce irritation not lung cancer.").⁵⁴
- Instead, the program would allow them to divert the public and regulators' attention to issues of accommodation and personal responsibility, with the notes stating that "No matter what the science shows, ETS is a personal choice issue."⁵⁵
- The question was posed at the meeting, "Do we fix [the] hospitality problem or do we fix our product?"⁵⁶ Clearly, Philip Morris decided to do the former, since the latter would be impossible to achieve without fundamentally changing its product and harming the company's bottom line.

THE MESSAGE

- Scientists and public health authorities have established that secondhand smoke is a threat to the public's health and well-being. The tobacco industry has also realized that this issue has resulted in a declining social acceptability of smoking that threatens its bottom line and viability as an industry. This prompted the industry to construct what it calls the "accommodation strategy" to stave off regulation of public smoking.
- In the late 1980s, the tobacco industry began to construct an alternate reality in which the industry was portrayed as a group of concerned, reasonable and responsible corporations in the fight over secondhand smoke exposure, while public health and tobacco control advocates were portrayed as shrill hysterics who did not have the public's best interests in mind.
- The main purpose for the accommodation strategy was not only to preserve the status quo of little or no regulation of public smoking, but also to shift the responsibility for the problem away from the tobacco manufacturers whose products were causing the problem and on to its customers and the general public. The industry claimed that courtesy and accommodation was all that was necessary to solve the problem.
- The accommodation strategy depended on a bait and switch tactic whereby it would partition the legitimate health concerns about secondhand smoke from what it euphemistically called "annoyance." The industry's Orwellian double speak trivialized the deadly consequences of the use of its products.
- Philip Morris attempted to improve its corporate image by employing a corporate social responsibility program called Options, which tried to persuade the public, regulators and hospitality stakeholders that improved ventilation could solve the problem of secondhand smoke exposure. Rather than pledging to produce a product that did not emit deadly fumes or cease selling the one that is deadly, the company instead shifted responsibility onto the hospitality industry, knowing full well that there is no adequate ventilation that can address the health fallout from exposure to secondhand smoke.
- Philip Morris's internal documents tell the truth about the company's awareness that ventilation could not cure the problem of secondhand smoke, revealing the company's cynical and disingenuous strategy to improve its corporate image at the expense of the public's health. As of April 12, 2010, 19 states and Puerto Rico had passed 100% smoke-free clean indoor air laws, with 3 more states' laws expected to go into effect

in 2010. These laws all recognize that there is no safe level of exposure to secondhand smoke and that ventilation is an inadequate remedy to the problem.⁵⁷

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Citations

- ¹US Department of Health and Human Services. The health consequences of involuntary smoking. A report of the Surgeon General, 1986. *Rockville, Maryland: Public Health Service, Centers for Disease Control, 1986, (DHHS Publication No (CDC) 87-8398).* Available at: http://profiles.nlm.nih.gov/NN/B/C/P/M/_/nnbcpm.pdf, (viewed May 9, 2010).
- ²U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006. Available at: <http://www.surgeongeneral.gov/library/secondhandsmoke/report/fullreport.pdf> (viewed May 9, 2010).
- ³Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders. Washington, DC: Environmental Protection Agency; 1993. Available at: <http://www.epa.gov/ncea/ets/pdfs/acknowl.pdf> (viewed May 9, 2010).
- ⁴California Environmental Protection Agency. Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant 2005 June 24.
- ⁵JV Dearlove, SA Bialous, SA Glantz. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tobacco Control* 2002; 11:94-104.
- ⁶Tobacco Institute. U.S. Exhibit 75,440, Handwritten Meeting, "ETS Advisory Group Meeting." May 22, 1986. USX3441193. Available at: <http://legacy.library.ucsf.edu/tid/vmx36b00>. Accessed May 3, 2010.
- ⁷JV Dearlove, SA Bialous, SA Glantz. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tobacco Control* 2002; 11:94-104.
- ⁸Tobacco Institute. U.S. Exhibit 20,346, Meeting, "Project Down Under Conference Notes" Tobacco Institute Inc., June 24, 1987. June 24, 1987. 2021502103. Available at: <http://legacy.library.ucsf.edu/tid/ftp36b00>. Accessed April 30, 2010.
- ⁹Tobacco Institute. U.S. Exhibit 20,346, Meeting, "Project Down Under Conference Notes" Tobacco Institute Inc., June 24, 1987. June 24, 1987. 2021502105. Available at: <http://legacy.library.ucsf.edu/tid/ftp36b00>. Accessed April 30, 2010.
- ¹⁰David Michaels, Doubt Is Their Product, 80-81 (2008).
- ¹¹Lissy C. Friedman, Richard A. Daynard, Christopher N. Banthin. How Tobacco-Friendly Science Escapes Scrutiny in the Courtroom. *American Journal of Public Health* 2005;95(S1):S16-S20.
- ¹²Monique E. Muggli, Jean L. Forster, Richard D. Hurt, James L. Repace. The Smoke You Don't See: Uncovering Tobacco Industry Scientific Strategies Aimed Against Environmental Tobacco Smoke Policies. *American Journal of Public Health* 2001; 91(9):1419-1423, at 1420-1421.
- ¹³Tobacco Institute. U.S. Exhibit 20,346, Meeting, "Project Down Under Conference Notes" Tobacco Institute Inc., June 24, 1987. June 24, 1987. 2021502106, 2021502109. Available at: <http://legacy.library.ucsf.edu/tid/ftp36b00>. Accessed April 30, 2010.
- ¹⁴Monique E. Muggli, Jean L. Forster, Richard D. Hurt, James L. Repace. The Smoke You Don't See: Uncovering Tobacco Industry Scientific Strategies Aimed Against Environmental Tobacco Smoke Policies. *American Journal of Public Health* 2001; 91(9):1419-1423, at 1420.
- ¹⁵Tobacco Institute. U.S. Exhibit 20,346, Meeting, "Project Down Under Conference Notes" Tobacco Institute Inc., June 24, 1987. June 24, 1987. 2021502119. Available at: <http://legacy.library.ucsf.edu/tid/ftp36b00>. Accessed April 30, 2010.
- ¹⁶*Id.* at 2021502122.
- ¹⁷*Id.* at 2021502124.
- ¹⁸JV Dearlove, SA Bialous, SA Glantz. Tobacco industry manipulation of the hospitality industry to maintain smoking in public places. *Tobacco Control* 2002; 11:94-104.
- ¹⁹S Chapman, B Freeman. Markers of the denormalisation of smoking and the tobacco industry. *Tobacco Control* 2008;17:25-31.
- ²⁰David Michaels. Doubt Is Their Product 79 (2008).
- ²¹Lindheim, J., Burson-Martellar. Accommodation Paper. September 12, 1990. 2021181864, 2021181867. Available at: <http://legacy.library.ucsf.edu/tid/xnk46e00>. Accessed: April 30, 2010.
- ²²*Id.* at 2021181869.

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- ²³ *Id.* at 2021181870.
- ²⁴ *Id.* at 2021181871. (emphasis in original).
- ²⁵ *Id.* at 2021181870. (emphasis in original).
- ²⁶ *Id.* at 2021181876.
- ²⁷ *Id.* at 2021181882.
- ²⁸ *Id.* at 2021181883.
- ²⁹ Tobacco Institute. U.S. Exhibit 20,346, Meeting, “Project Down Under Conference Notes” Tobacco Institute Inc., June 24, 1987. June 24, 1987. 2021502124. Available at: <http://legacy.library.ucsf.edu/tid/ftp36b00>. Accessed April 30, 2010.
- ³⁰ Unknown Author. Project Down Under – Group Presentation to Senior Management Friday, 870626. June 26, 1987. 2021502678. Available at: <http://legacy.library.ucsf.edu/tid/jmh34e00>. Accessed April 30, 2010.
- ³¹ Young & Rubicam. Advertising. Camel Advertising Overview. December 4, 1990. Available at: <http://legacy.library.ucsf.edu/tid/mhn24d00>. Accessed: May 13, 2010.
- ³² Young & Rubicam. The ETS Issue Language Exploratory. April 1993. Available at: <http://legacy.library.ucsf.edu/tid/tnk22c00>. Accessed: June 4, 2010.
- ³³ *Id.* at 2023331174.
- ³⁴ *Id.* at 2023331183.
- ³⁵ *Id.* at 2023331184.
- ³⁶ *Id.*
- ³⁷ *Id.* at 2021181878.
- ³⁸ *Id.* at 2021181879.
- ³⁹ *Id.* at 2021181878.
- ⁴⁰ Business Wire. Philip Morris U.S.A. Launches Options Website. June 2, 2000. Available at: <http://legacy.library.ucsf.edu/tid/zod36c00>. Accessed May 3, 2010.
- ⁴¹ Philip Morris Companies Inc. Accommodation: A Reasonable Approach to Public-Place Smoking. 2000. Available at: <http://legacy.library.ucsf.edu/tid/qkl86c00>. Accessed May 3, 2010.
- ⁴² Monique E. Muggli, Jean L. Forster, Richard D. Hurt, James L. Repace. The Smoke You Don’t See: Uncovering Tobacco Industry Scientific Strategies Aimed Against Environmental Tobacco Smoke Policies. *American Journal of Public Health* 2001; 91(9):1419-1423, at 1420.
- ⁴³ Philip Morris Companies Inc. Accommodation: A Reasonable Approach to Public-Place Smoking. 2000. 2081155307. Available at: <http://legacy.library.ucsf.edu/tid/qkl86c00>. Accessed May 3, 2010.
- ⁴⁴ Philip Morris. Philip Morris – Options – Contact Us. May 16, 2000. Available at: <http://legacy.library.ucsf.edu/tid/cpt82c00>. Accessed May 3, 2010.
- ⁴⁵ Philip Morris Companies Inc. Accommodation: A Reasonable Approach to Public-Place Smoking. 2000. 2081155308. Available at: <http://legacy.library.ucsf.edu/tid/qkl86c00>. Accessed May 3, 2010.
- ⁴⁶ James Repace, Can Ventilation Control Secondhand Smoke in the Hospitality Industry? Available at: <http://www.tcsg.org/sfelp/FedOHSaets.pdf>, at 39 (viewed May 9, 2010).
- ⁴⁷ Unknown Author. Project Down Under – Group Presentation to Senior Management Friday, 870626. June 26, 1987. 2021502672. Available at: <http://legacy.library.ucsf.edu/tid/jmh34e00>. Accessed April 30, 2010.
- ⁴⁸ *Id.*
- ⁴⁹ Unknown Author. Summary: Operation Down Under Conference 000624-000626. June 1987. 2024270509. Available at: <http://legacy.library.ucsf.edu/tid/tmp14e00>. Accessed: June 4, 2010.
- ⁵⁰ Philip Morris USA. PM USA Media Relations Program Places. June 1998. 2078223884. Available at: <http://legacy.library.ucsf.edu/tid/lls75c00>. Accessed: June 4, 2010.
- ⁵¹ Philip Morris Companies Inc. Accommodation: A Reasonable Approach to Public-Place Smoking. 2000. 2081155311. Available at: <http://legacy.library.ucsf.edu/tid/qkl86c00>. Accessed May 3, 2010.
- ⁵² Philip Morris. PM USA Public Place Smoking Policy & Planning Meeting. May 29, 2001. Available at: <http://legacy.library.ucsf.edu/tid/uee91c00>. Accessed May 3, 2010.
- ⁵³ Unknown Author. Kitano. May 2001. 2082464186. Available at: <http://legacy.library.ucsf.edu/tid/vee91c00>. Accessed May 3, 2010.
- ⁵⁴ *Id.* at 2082464171.
- ⁵⁵ *Id.* at 2082464185.
- ⁵⁶ *Id.* at 2082464187.
- ⁵⁷ American Nonsmokers’ Rights Foundation. States And Commonwealths With 100% Smokefree Laws In All Workplaces, Restaurants, And Bars, currently in effect as of April 1, 2010. Available at: <http://www.no-smoke.org/pdf/WRBLawsMap.pdf> (viewed June 18, 2010).