Dr George Thomson

Trust us
WE'RE SOCIALLY RESPONSIBLE

The TRUTH behind

British American Tobacco NZ's

Corporate Social Responsibility

reports

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ASH
action on smoking and health

"We've checked and rechecked the books on Responsible Business Ethics and it's good news...killing your customers just isn't mentioned!"

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Contents

Summary

This report is about the British American Tobacco New Zealand (BATNZ) *Social Report 2002-2003* **and the** *Scorecard 2004*. **These are company publications, which, read uncritically, appear to be a reasonable picture of the company's situation. However, when critically analysed, the publications are found to be constructed with deceptive and manipulative language, and disingenuous and hypocritical declarations. The publications simply omit the crucial evidence of the scale of deaths and illness created by the company's products. They attempt to portray the company as a caring, helping, 'responsible corporate citizen'.**

The BATNZ reports are part of the use of 'corporate social responsibility' (CSR) strategies by the parent BAT company to improve its image for investors, the public and policymakers. CSR is a voluntary approach that attempts to substitute for national or international law.

The reports do not identify the health, social and economic damage of the company's activities to New Zealand and the Pacific region. The reports use a variety of strategies to blunt the image of a callous, deceptive and unethical company. These include the highlighting of 'good intentions' and 'good works', attempts to offload responsibility and minimise the problems about BATNZ products, and a portrayal of the company as helping government tobacco control.

The reports use linguistic devices to attempt to give a positive impression of the company, and to minimise or soften the dangers of smoking. Words such as 'sensible','reasonable', 'responsible', and 'factual' are used in ways that associate the words with the company, while 'problems' and 'hazards' become 'issues' or 'concerns'. The reports attempt to portray smoking as a 'choice', despite the known power of nicotine addiction. They admit some health risks from smoking, but omit to mention that BATNZ denied those risks at least until 1998.

Recommendations

That health advocates work to persuade government to:

1. Report annually on the extent of the social and economic damage from the activities of each tobacco company operating in New Zealand, including the attributable deaths, illnesses, lost production, fire damage and other adverse impacts of their products.

2. Charge the cost of this reporting to the tobacco companies.

3. Effectively implement the provisions of the *Fair Trading Act* in relation to tobacco company statements about secondhand smoke (ie, to prevent further misrepresentation of the hazard).

4. Hold an in-depth inquiry into the activities and behaviour of tobacco companies in New Zealand, either at a Royal Commission or a Health Select Committee level.

5. Fund and conduct effective mass media campaigns that reveal to the New Zealand public the activities and behaviour of tobacco companies in New Zealand.

In addition:

6. That health advocates ensure that there are independent audits of the activities and impacts of tobacco companies in New Zealand at least every five years, in addition to any government reports.

Introduction

This report is about two items produced by British American Tobacco New Zealand (BATNZ) – the *Social Report 2002-2003*, and the *Scorecard 2004*. It examines the BATNZ publications for content, style, purpose and validity. The examination principally compares the declared intent of the publications with the reality within the publications and within BATNZ activity.

The declared purpose of the BATNZ publications is to document "the outcomes of our social reporting process" (2003, p.5). The process is described as "dialogue with key stakeholders, both internal and external, and requires the company to listen, understand and respond to their issues and concerns" (2003, p.10).

'Stakeholders' are described as:

> any individual, group or company who influences our business or who can be affected by our business, including consumers, retailers, suppliers, employees, interest groups, government and the health community. (2003, p.12)

The sections below first give some background for 'corporate social responsibility' ideas, and some of the background of tobacco industry and BATNZ public relations (section 2). An analysis of the BATNZ 2003 *Social Report* and the BATNZ 2004 *Scorecard* is then given (section 3) and some options for how government and others might deal with the effects of tobacco company public relations (section 4).

It should be noted that while the reports reviewed here are ascribed to BATNZ, the distinction between the British American Tobacco parent company and its branches is one of legal structures, rather than real independence. BATNZ is wholly controlled and owned by the British American Tobacco parent company, which is legally based in Britain. BATNZ is a tentacle of the BAT octopus. BATNZ social reports are the product of directions from the parent company.

Background to the BATNZ reports

This section gives some background on 'corporate social responsibility' ideas (2.1), locates public relations within overall tobacco industry activity (2.2), and then gives a brief history of tobacco company public relations, and of their current public relations efforts (2.3, 2.4).

2.1 The ideas behind corporate social responsibility

The idea of 'corporate social responsibility' (CSR) arises from the recognition that businesses have impacts on individuals, communities, and society, that are unacceptable, or that they do not pay for. It recognises that there is an obligation to minimise or remove those impacts.

CSR ideas arose from writers and businesspeople who were genuinely concerned with how to stop the socially and environmentally destructive activities of business. They addressed the problem of companies failing to recognise or take responsibility for the negative impacts they have on societies and ecosystems. Thus an approach was devised called "triple bottom line" reporting – referring to profit, social impact, and environmental impact. The BATNZ *Social Report* and *Scorecard* are partly based on these CSR and triple bottom line ideas.

Today there are two very different strands of corporate social responsibility. Some CSR organisations appear to be genuinely trying to apply the triple bottom line principles to achieve socially and environmentally worthwhile results. But the idea of corporate social responsibility and triple bottom line reporting has also been co-opted as a public relations tool by businesses which are not actually interested in changing their activities. CSR serves as a public relations tool by allowing a company to give the impression of trying to make progress, and blunting criticism from its opponents, while not having to result in any real change to the company's activities. The BATNZ reports are a typical example of the calculated misuse of CSR.

CSR is vulnerable to this perversion of good intentions because it is, so far, voluntary. The underlying assumptions in CSR are that (i) voluntary efforts to reduce business impacts are preferable to regulation, and that (ii) should there be a conflict between the needs of a company and those of a community or society, the company will decide on the balance struck. CSR is a rejection of government or international regulation to ensure that communities and societies control their own destiny. The idea that new laws could *require* businesses to act in a social responsible way has had little acceptance within the CSR movement.

Because CSR is, so far, voluntary, it is prey to the faults of the market system, including imperfect information transmission. CSR relies on voluntarily provided information, and the hope that this process will change the behaviour of companies. The hoped-for incentives to change include better informed consumers and investors[1].

The voluntarily provided information is often described as 'social reporting':

> The systematic assessment that identifies, measures, evaluates, reports, and monitors the effects an enterprise has on society that are not covered in the traditional financial reports[2].

The general principals of any auditing – social, environmental or financial – include the setting of criteria, and the measuring of performance, by *independent external* auditors. The questions that arise with voluntary CSR reports include 'are the criteria appropriate?' and 'how independent and effective are the auditors?'

The author Doane suggests four motives for attempts at CSR policies by companies – the limiting of risks to profits and share value, the need for employee recruitment and retention, the need for customer reassurance, and the avoidance of government regulation[1]. To date, the four principle CSR concerns internationally have been the areas of human rights, labour, the environment and corruption. These are covered by the United Nations Global Compact's ten principles[3]. While the health impacts of business activities have been a major concern by those outside business, the incorporation of the full implications of health protection and promotion into corporate social responsibility has been slow.

The argument for CSR by tobacco companies is that while tobacco use is legal, it is better that the companies supplying the market operate in an improved manner. This argument avoids the policy option of removing tobacco marketing and distribution from the control of tobacco companies, and making it a non-profit health-based operation. That option would ensure that smokers could continue to access supplies of tobacco or nicotine, but that tobacco companies only played a role as manufacturers[4-6].

Because smoking tobacco has such severe risks for smokers and others, it does not appear possible that a tobacco company can achieve socially worthwhile results. It is not possible to provide smoking tobacco without killing very large numbers of people, including infants.

**BATNZ defines CSR as
"doing business in a responsible way"**

In New Zealand, over 4000 people die each year from smoking. Thousands of hospital beds are tied up, and dozens of infants die from secondhand smoke [7, 8, pp.275-6,280-1,360-1]. A real CSR report for a tobacco company would be dominated by these figures.

BATNZ defines CSR as "doing business in a responsible way" (2003, p.137). This definition omits to explain who BAT should be responsible to, and does not give the standards by which such responsibility should be measured.

2.2 Public relations as part of tobacco industry activity

Cunningham [9, p.148] describes the range of strategies used by the tobacco industry to survive and prosper in the latter half of the 20th century. They include the:

1. Denial of, or deception about the health and addiction risks from smoking (including the denial of responsibility for consequent health, social and economic problems);
2. Deception about the true nature of cigarettes;
3. Damaging the credibility of industry opponents;
4. Delaying and defeating attempts to regulate the industry or control smoking (including the erosion of policy implementation).

The first three of these strategies can be seen as aspects of public relations, and all three can be seen within the BATNZ CSR reports. The fourth depends heavily on public and government relations.

2.3 Some past history of tobacco company public relations

Tobacco companies have in developed countries attempted for many years to portray themselves as 'socially responsible' [10]. These attempts are part of the background of tobacco company public relations. Despite clear evidence of massive health damage from smoking in the 1950s, the companies refused to admit this publicly until their own internal documents, which demonstrated full knowledge, were revealed in the 1990s. For forty or more years, the companies practiced attempts at mass deception, trying to maintain doubts about the certainty of the health effects [11]. They continued to use the strategies of reassurance about health fears, the diversion of attention to other health risks, and encouragement to smokers and would-be smokers to ignore the risks [12].

*© 1998 Californian Department of Health Services,
used with permission*

The American tobacco industry (including BAT's US branch) in late 1953 decided that their public relations strategy was to be "entirely 'pro-cigarette' ", rejecting any health risks from smoking[13] despite one of their scientists reporting earlier that year, that:

> Studies of clinical data tend to confirm the relationship between heavy and prolonged tobacco smoking and incidence of cancer of the lung.[14]

A BAT UK scientist reported in 1958 that, with one exception, over thirty people in US tobacco companies and other research groups that he had spoken to "believed that smoking causes lung cancer" [15, pp.2,3,6].

2.4 Present tobacco industry and BATNZ public relations

As in other developed countries[16], the tobacco industry in New Zealand uses several themes to try and maintain its credibility within New Zealand society. They include (i) 'good works' and 'economic contribution'; (ii) a public stance against underage youth smoking; and (iii) 'social responsibility activities'. The latter includes voluntary marketing codes that BAT uses worldwide, and the type of reports covered in this paper. Examples of the use of 'good works' and 'economic contribution' are given in section 3.2.3. Other aspects of these themes are explored below (2.4.1-3).

Behind these themes in the outward face of the tobacco industry are the efforts to build net-works of relationships with individuals and groups within society[17, 18]. These efforts, (which can merge with 'good works') include community, business, legal, and academic links, as well as all the activity involved in 'government relations' work. 'Government relations' covers a spectrum from lobbying politicians, to exchanging information with officials. The purpose of such network building for tobacco companies is to provide information sources, to provide friendly or at least familiar contacts when contact is useful, and to blunt company image problems by the use of charming, personable, and intelligent front people.

2.4.1 Youth smoking stances by the tobacco industry and BAT

The tobacco industry in developed countries attempts to present itself as opposed to smoking by youth. As part of that stance, tobacco companies promote activities or run campaigns that

www.thetruth.com

appear to want to discourage youth from smoking[19]. These activities and campaigns tend to be far less effective than well-designed programmes such as the 'Truth' media campaign in the USA which reveals deceptive tobacco industry behaviour[20, 21]. There is some evidence from surveys and tobacco industry internal documents that the industry activities and campaigns are intended to increase approval of the companies, rather than decrease smoking[21, 22]. The documents show that 'success' for the campaigns is not measured by reductions in smoking initiation by youth, but by the improved response of adults to the companies[22]. Thus if adults have reduced hostility or a more favourable opinion of a company, then the 'youth prevention' campaign is successful in the tobacco company terms.

Tobacco company sponsored 'youth prevention programs' tend to stress that smoking is an 'adult choice', that the responsibility for starting smoking lies with parents and friends, and that underage smoking is against 'the law'[16, 22]. These themes direct attention away from the industry, and away from the health effects of smoking[21]. The themes risk increasing the attraction of smoking for some youth.

The international BAT group website uses a New Zealand youth education programme, the Life Education Trust, as an example of BAT funding of these types of programmes.

> British American Tobacco New Zealand's experience shows that education programmes can be controversial, but many experts support them… both head teachers and others working in education have [given] positive endorsements of support for both the programme and British American Tobacco New Zealand's support for it.[23]

This statement is deceptive, in creating the impression that the naïve teachers who give such endorsements are experts in youth smoking prevention. The Education Ministry[24] and all credible tobacco control groups in New Zealand reject the use of such programmes funded by the tobacco industry.

2.4.2 BAT international involvement in corporate social responsibility

The British American Tobacco parent company (BAT) uses a variety of 'social responsibility' avenues. They include the funding of an academic programme about CSR at Nottingham

"The company managed to strongly challenge the notion that there can never be a socially responsible tobacco company..." MALLEN BAKER

University and the creation with other companies of 'International Marketing Standards' [25]. BAT supports "the United Nations Global Compact's two guiding principles on human rights" [26]. However, the BAT view of human rights does not extend to the right to health, the right to breath smokefree air, and the right to be free of dangerous addictions.

Some of the impetus for the adoption of CSR by BAT can be seen in an internal BAT document from 2000. The background included the need to rebuild "British American Tobacco's corporate reputation" in the fact of problems such as "alleged passive endorsement of smuggling, further restriction of marketing freedoms, future litigation, etc." [27]. The BAT Corporate and Regulatory Affairs Department argued that the CSR process would help BAT:

- identify and better understand the concerns and expectations of key opinion forming groups (eg. public health authorities, politicians);
- use this 'intelligence' to help inform company policy and decision-making (eg. marketing practices, product development);
- communicate with stakeholders in a more constructive and participatory way (eg. smokers/non-smokers, regulators);
- recruit independent advocates to support company positions and activities (eg. health professionals, quit support groups). [27]

The value of BAT CSR efforts in 2002 is shown by comments by Mallen Baker, a commentator on CSR who appears to accept BAT hospitality:

One company that had a very good year all things considered was British American Tobacco. BAT managed to confound some of its severest critics by releasing the first social and environmental report from the tobacco industry – one that more stringently followed the emerging standards than any other. The company managed to strongly challenge the notion that there can never be a socially responsible tobacco company by displaying serious intent. The mixed reviews it received showed its success – coverage would normally be universally hostile. And the inclusion of the company in the Dow Jones Sustainability Index was the icing on the cake. [28]

Bureau Veritas reported that BAT "produced some 26 separate country social reports in 2003, up from 14 in 2002." [29]

"...whilst society chooses that tobacco remain a legal product we will continue to sell it... responsibly." BATNZ

2.4.3 Other public relations strategies

A primary strategy of the tobacco industry is to create doubt around the evidence of harm from their products, to continue the idea that there are two sides to questions about the industry and smoking, and to portray themselves as the victims of others' views. As part of this strategy, the word "controversial" is used, either to describe an issue, to describe the arena, or to describe their activity. Instead of facing their image of being deceptive and callous, they attempt to modify their image with a word that provides ambiguity. So the BATNZ website until recently stated:

> We acknowledge that our industry is controversial. Much has been heard about tobacco companies, but little from the companies themselves. [30]

Between May and July 2005, that statement was taken from the front page of the BATNZ website, and the following inserted in an interior page:

> We believe that with smoking comes real risks of serious disease and our industry can be seen as controversial. However, whilst society chooses that tobacco remain a legal product we will continue to sell it as it needs to be sold, responsibly. [31]

The first statement also attempts to paint the tobacco industry as the victim of statements about them, and of insufficient media coverage about their "good points". It appeals to 'fair play' ideas. In fact BATNZ helps choose the level at which its statements are heard, as, if they wished to gain greater attention to their statements, they could spend more on profile-raising activity.

The second statement above slides from the word 'risks' to 'controversial' to 'legal' and then 'responsibly', in an effort to try and modify the association of the risks with BATNZ products. Another example of the creation of doubt is the continued widespread industry efforts to blur the evidence of the harm from secondhand smoke [32-35] despite the strength of the evidence in the last twenty years.

The use of linguistic devices to attempt to give a positive impression of tobacco companies or the tobacco industry is normal (see section 3.4.2 below). Examples include the Canadian Tobacco Manufacturers' Council's announcement of the Canadian Tobacco Industry Voluntary

Packaging and Advertising Code, which used the words 'sensible', 'reasonable', and 'responsible' to describe the Code and industry activities[36]. One front group for Philip Morris was called 'Citizens for a Sensible Environment'[37]. RJ Reynolds uses phrases such as 'responsible use of science' in its documents[37].

The parent BAT company says because "our products pose risks to health, it is all the more important that they are managed responsibly"[38] and:

Our interest is in regulatory regimes which are based on sound, open and reasonable assessments of the relevant science in the objective manner that this demands.[39]

Translated, this latter statement means:

We will continue to covertly distort the use of science to attempt to obscure problems, and to stall regulations that would reduce our profits.

There is extensive evidence that BAT chronically perverts the scientific process, and resists any health initiative that would effectively reduce tobacco sales[40-45]. The first BAT statement (about risks to health) is also an example of the pretence by BAT that they are consistently open, when if fact they have denied these risks until the late 1990s. The denial by BATNZ of health risks until at least 1998 is detailed in section 3.2.2 (c) below.

The BATNZ reports

This section first briefly describes the layout and content of the *BATNZ Social Report 2002-2003*, and the *Scorecard 2004* (3.1).Then it looks at the general strategies used in the reports (3.2), the process for the reports (3.3), some of the particular techniques used in the reports (3.4), and finally gives a section on the underlying intent of the reports (3.5).

3.1 The content and layout of the BATNZ reports

BATNZ states that:

> Our approach to social reporting has been designed to assist embedding of the principles of corporate social responsibility within our business through greater exposure to the expectations of the broader community. (2003, p.10)

and that the

> primary objective of our social reporting process is to establish formal reporting systems that are transparent and credible and against which our performance can be objectively measured and tracked by our stakeholders. It is a process of continuous improvement to achieve a high level of social performance over time. (2003, p.10)

The BATNZ *Social Report 2002-2003* (available on the BATNZ website [46]) is 140 pages long. The report contains nine pages on some of the process by which it was produced, 52 pages on some of the issues arising from the BATNZ activities (described as 'Responding to our stake-holders'), 31 pages on a more extended portrayal of the reporting process, six pages on a statement by Bureau Veritas (see section 3.3.5 for some details about that organisation), and 26 pages of appendices. The appendices further describe elements of the report process, and some of the context for the report. In the 'Responding to our stakeholders' section of the 2003 social report, each subject area has subsections labelled 'What we were asked', 'Our response' and, sometimes, 'What we will do'.

The BATNZ *Scorecard 2004* (available at the BATNZ website [47]) is shorter (36 pages of text, with pages half the size of the 2003 report) and follows a much abbreviated format. It describes

itself inside the front cover as "a progress report against our commitments made during dialogue sessions held in 2003". Twenty five of the pages are devoted to the section described as 'Acting on our commitments'. This reports on ten sub-areas, 'Business integrity & corporate conduct', 'Community involvement', 'Tobacco regulation', 'Consumer information', 'Youth smoking prevention', 'Maori issues', 'Reducing the risks of smoking', 'Public smoking', 'Environment, health and safety', and 'Workplace'. These areas report on new or continued policies and activities of the company.

More on the BATNZ social report process is given in section 3.3.

3.2 Public relations strategies within the BATNZ CSR reports

The BATNZ 2003 and 2004 CSR reports use a wide variety of BAT public relations strategies. I have arranged the strategies within the categories devised by Roger Shuy for his analysis of Philip Morris's image repair efforts [48]. Themes used by Philip Morris that Shuy has isolated are:

- The Mitigated Mea Culpa Strategy
- The Good Intentions Strategy
- The Shift the Blame Strategy
- The 'We Do Good Things' Strategy
- The Minimize the Problem Strategy.

Versions of the last four of these categories, plus a fifth 'We help government' are used below to sort out the material in the reports. However, some passages in the BATNZ CSR reports use a *combination* of these strategies. For instance, in the 2003 *Social Report*, BATNZ weep crocodile tears about the lack of progress in lowering the prevalence of youth smoking:

> We are concerned that despite an increase in the legal age for the purchase of tobacco products, comprehensive bans on tobacco advertising and sponsorship, successive price rises and well-funded government education programmes and the best efforts of the government, the Ministry of Health, public health authorities and even tobacco companies, youth in New Zealand continue to smoke. (p.40)

> ## "We are open and honest in all our dealings and foster a climate of trust and support." BATNZ 2003

This passage attempts to move the responsibility for youth smoking away from BATNZ, while portraying BATNZ as giving their 'best efforts' to stop youth from smoking. It also distorts information by describing tobacco price rises as 'successive', when there has only been two substantive rises in the fourteen years since 1991. The government tobacco education programmes are described as 'well-funded'. However, in terms of the prevention of premature deaths, national tobacco control health promotion campaigns appears to be funded at a fiftieth or less of the rate for road safety [49]. They are funded at a much lower level than even the minimal levels suggested per-capita for United States health agencies [50].

3.2.1 'We have good intentions'

This strategy tries to say, "whatever the problems you associate with our activities, really our intentions are good." For example, the 2003 report states that:

> British American Tobacco Group companies are expected to operate to British American Tobacco principles, standards and accountabilities. There is an expectation that all Group companies meet high standards of business integrity. (2003, p.26)

Other tactics that are used in the 2003 report to support this strategy include references to BATNZ's 'Vision and values' (p.8). This includes statements such as:

> We are open and honest in all our dealings and foster a climate of trust and support.

This sounds good, but is chronically contradicted by their actions and words. For instance, their actions appear to include destroying or hiding documents from potential litigants [51, 52], and fighting against better health warnings on tobacco products in New Zealand [53]. Within the same report, BATNZ is not open about the dangers of secondhand smoke (see section 3.3.2).

A further tactic to try and give the impression of good intentions is the report's referrals to the 'International Marketing Standards' (2003, p.26,42,46,77,127-133). For instance:

> Our International Marketing Standards also dictate that globally our marketing activities must not appeal to youth or suggest that smoking enhances popularity. (p.46)

British American Tobacco marketing poster
www.eventlunic.ch/ fr/marketing-event.htm

In this case, BAT has being doing the opposite of what they are claiming in the 2003 report, and the claim is grossly deceptive. They have continued to use tobacco packaging that is highly attractive to youth. BATNZ have either allowed their brands to be used in New Zealand dance party promotions[54, 53] or appear to have sat on their hands while this was done by others. Their parent company has used motor racing sponsorship to make their brands attractive to youth[56-59] including those in New Zealand. BAT has deliberately targeted young people world-wide by linking their British American Racing team with the Lucky Strike brand and the Lucky Tribe merchandising[60]. The company has a recent history of actively marketing to youth around the world [61-66].

3.2.2 Shifting the blame: BATNZ attempts to offload responsibility

A primary strategy by BATNZ and other tobacco companies is to portray themselves as trying to engage with critics. They portray the refusal by many critics to talk to them as a barrier to advancement in reducing tobacco-related problems:

> In our view the non-inclusive approach to dealing with tobacco issues which has characterised tobacco control in New Zealand for many years has only hindered real progress on issues which are of concern to both our company and the broader community. (2003 report, p.2)

The portrayal is deceptive in at least two ways. The Social Report process helps BATNZ to control the nature of the dialogue with those who join in the process (see section 3.3.3). Secondly, if the reduction of tobacco-related problems depends at all on dialogue with tobacco companies, it is not the type of dialogue portrayed in the Social Report, but the legally required disclosure of information by the companies. This disclosure includes government inquiries, court processes that require document discovery, and legally required ongoing reporting.[67] (see also section 4.2 below)

Another tactic to support the 'shift the blame' strategy is to try and offload responsibility for the harm from BATNZ products onto government and smokers. BATNZ argues that smoking risks are known and therefore it is the smokers' responsibility to deal with those risks:

> The risks of smoking are well-known by those who choose to smoke, with messages about these risks being the cornerstone of education campaigns for decades in New Zealand.

Graphic warnings suggested by ASHNZ , 2005

To underscore this level of community awareness, every tobacco product manufactured by British American Tobacco Group companies globally carries a health warning. In New Zealand tobacco products have carried health warnings for almost thirty years.

In our view, reality dictates that a significant proportion of New Zealanders will continue to choose to smoke despite the fact that they are supported by programmes which may offer assistance to those smokers who wish to quit. (p.34)

This passage attempts to portray smokers as freely smoking in spite of risk information and smoking cessation help. Smokers are portrayed as responsible for their continued smoking, despite the ineffectiveness of the smoking cessation help given. The passage ignores:

A. **The addictiveness of smoking**: At least 90 percent of smokers in developed countries such as New Zealand would like to stop smoking, but cannot due to their addiction [68]. Nicotine is comparable to heroin in the dependence it causes [69].

B. The passage ignores the **quality** of the knowledge of smokers and would-be smokers, and the age at which smokers become addicted. For instance, New Zealand children who were unsure about smoking being bad for health were over twice as likely to be smokers [70] and few knew that smoking kills more people than car accidents [71].

C. **Previous BATNZ denial**: In 1994 BATNZ was reported as saying that "there have never been direct causes [of cancer] attributed to tobacco" [72]. In 1996, BATNZ was reported as saying that there was "no hard proof that smoking directly causes deaths" [73]. In 1998 BATNZ was reported as saying, "nowhere in the world has the science proved causation [of disease from smoking]" [74]. Present statements by BATNZ that it had been "consistent in its message that 'there is no such thing as a safe cigarette'" [75] can be contrasted to the consistent denial of major risks to at least 1998. Many current addicted smokers will have started smoking in the context of the BAT denials.

"there have never been direct causes [of cancer] attributed to tobacco" BATNZ 1994

D. **Previous attempts to obscure tobacco-related harm**: As well as denying health risks until recently, BATNZ contributed to industry efforts to obscure the problem by portraying the evidence as ambiguous, introducing red-herrings and by other distracting issues. For instance, a 1989 report by the BATNZ supported Tobacco Institute of New Zealand stated:

> … there are numerous factors other than smoking that are statistically associated with so-called smoking related diseases. Many scientists hold the firm view that much more research is needed to explore these numerous other factors. The possibility that just one of them may be found to be causal is an urgent challenge to science.[76]

E. **Opposition to better health warnings**: BATNZ has been part of New Zealand tobacco industry opposition to better health warnings. For instance, in 1995 the industry threatened to use the *Trade Marks Act*, *Commerce Act*, *Bill of Rights*, and *Fair Trading Act*, in efforts to stop larger and more comprehensive warnings[53]. They said that:

> Any proposal to regulate pack sizes is an inappropriate interference with the manufacturer's rights to package their products in a way that they believe is most appropriate for their customers requirements at any given time.[77, p.18]

Currently, BATNZ oppose graphic health warnings on tobacco packaging. [78, 79]

F. **BATNZ internal documents**: Internal tobacco industry documents show that BATNZ was aware of the health risks, but deliberately denied them. For instance, a 1988 report for the New Zealand tobacco industry recommended that the relationship between smoking and disease, and secondhand smoke and disease:

> <u>must</u> continue to be debated, for failure to do so will very likely be construed as 'an admission of guilt'. [80]

Smokers are easy to blame for litter from cigarettes, and BAT is coy about any responsibility. BATNZ's 2003 report describes the 'littering problem' that is created by many 'factors' (p.64) and says that "[w]e believe we are only one part of the solution." Thus the source of the 'problem' is diffused, but BATNZ is identified as part of the solution (but not with the primary responsibility).

Prior to NZ banning tobacco sponsorship, NZ tobacco companies sponsored major sports events. http://tobaccodocuments.org/pollay_ads

Again on p.124, the report describes stakeholder concerns about "environmental problems and safety hazards generated by careless disposal of packaging and tobacco-related litter."

The problem is framed as one of 'careless disposal', not of the design and marketing of the product.

In the 2003 *Social Report*, BATNZ attempted to deny responsibility for providing accurate information to smokers and the public:

> As a tobacco manufacturer, we believe we do not have the infrastructure or the credibility to provide healthcare advice. Many people perceive our statements on smoking and health as unreliable. As a result, there is a lack of public confidence in our integrity on smoking and health issues. While we therefore believe public health authorities are the most appropriate bodies to provide health advice, we continue to make our views on health and regulatory issues known to the public through proactive dialogue with government and the media. (p.60)

Translated, this means "*we will continue to be deceptive about such problems as secondhand smoke, and continue to resist having the most effective health warnings on our products.*"

3.2.3 The 'We do good things' strategy

The BATNZ CSR reports attempt to blunt the image of a callous, deceptive and unethical industry[81] by detailing BATNZ's activities in 'youth smoking prevention', the donations from their 'Community Fund' and the purported 'economic benefit' of their activities. As shown in section 2.2.2, BATNZ and other tobacco companies portray themselves as helping to prevent youth smoking uptake. In the BATNZ 2003 report, this theme is continued:

> We actively support effective programmes to prevent and reduce under-age smoking and endorse a comprehensive approach to the issue, including targeted education programmes to young people, information campaigns to retailers outlining the laws regarding sale to minors, as well as greater enforcement of current laws. (p.40)

> Since 2001 we have made arms-length donations totalling approximately NZ$350,000 to the Life Education Trust to fund youth smoking prevention. (p.43)

"there is a lack of public confidence in our integrity on smoking and health issues" BATNZ 2003

In the 2004 *Scorecard*, BATNZ report that they have given the Life Education Trust $500,000 to date (p.20). However, there is no evidence to indicate that that the programmes are effective, and the Life Education Trust stress on individual choice is likely to be counter-productive to reducing smoking uptake. The approach that BATNZ describes as 'comprehensive' is in fact a list of the least effective measures which are also most likely to be counter-productive. Truly comprehensive tobacco programmes use continued tobacco price rises, effective cessation help, smokefree environments laws, well resourced mass media campaigns and the complete elimination of tobacco company marketing.

The BATNZ information campaigns to retailers help reinforce the portrayal of smoking as an adult activity (an activity that is therefore highly attractive to children).

> In 2002 we launched an education programme to advise retailers of their obligations and responsibilities under the law as well as some practical tips to assist them in identifying under-age purchasers. This programme was supported by a British American Tobacco New Zealand's sponsored communication campaign. The message: 'Under 18? Don't bother asking for cigarettes' was displayed on our unitry in over 3,600 retail outlets. Through this programme we hoped to both remind young people of the laws regarding under-age purchase as well as support retailers from being approached in the first instance. (p.44)

In the 2004 *Scorecard*, BATNZ features their financial support of the group He Papa Pounamu (p.24). Shane Bradbrook of Te Reo Marama (the Maori Smokefree Coalition) comments:

> BATNZ continues to take no responsibility for the death and illness it inflicts on Maori because of its lethal product. Ask yourself this basic question – when was the last time you saw a tobacco industry representative at a tangihanga for a victim of tobacco use? If they were real about dialogue they would be there at every one of the 650 plus [Maori] deaths each year that is caused by their product. [82]

The 2003 CSR report details some of the groups supported by the BATNZ Community Fund, which included a Napier swimming pool, and the Napier Art Deco Trust (p.29). The 2004 *Scorecard* states that BATNZ donated almost $400,000 to 'community organizations' in 2004 (p.14). This is approximately $125 for each of the over 3000 deaths attributable to BATNZ products.

**"there is no need
to further make
smoking unattractive"** BATNZ 2003

The BATNZ *Social Report 2003* indicates that the 'economic contribution' generated by BAT products, employees and activities included over $850 million of tax revenue (pp.7,25). This interpretation neglects to mention that 95 percent of the taxes are in fact paid by smokers or employees (*Social Report* 2003, p.92). It also neglects the fact that BATNZ has consistently fought against tobacco tax increases (for instance [74]), because they know that such increases are one of the most effective ways to enable smokers to quit or cut down smoking.

BATNZ portrays itself as part of an industry that "makes a significant contribution to the economy" [83]. The BATNZ 2003 *Social Report* states that "Some stakeholders asked that British American Tobacco New Zealand publicise the extent of our contribution to the New Zealand economy" (p.23), and that the indirect economic impact of BATNZ was 1.6 percent of Gross Domestic Product (p.93).

This assertion of economic contribution has not been substantiated by any organisation that is not dependent on or paid by BATNZ.

What BATNZ omits to say is:

- If people were not addicted to nicotine, they would spend on other areas or save, which would make at least an equal or greater contribution to the economy.
- Smoking is very damaging to the economy, with a 1997 estimate of it reducing the Gross Domestic Product of available goods and services by 1.7 percent per year. This is because of lost production (a smaller and less productive labour force) and the health, fire, cleaning and other costs [84]. The figure would be even higher if a monetary value was put on the premature death of smokers outside of the workforce, and for tobacco-related chronic illness and suffering among those outside the workforce.

3.2.4 The 'minimise the problem' strategy

BATNZ states that because of New Zealand tobacco advertising restrictions, and BAT's own 'International Marketing Standards' there is no need to further make smoking unattractive because "we do not believe that there is scope for tobacco products to be seen as 'romantic' or 'attractive'" (2003, p.46). This declared belief by BATNZ is directly contradicted by extensive research that indicates that smoking is seen as attractive by a large proportion of New Zealand

youth, particularly younger adolescents [85-89]. Research elsewhere also indicates this attractive-ness of smoking [17], with some of the portrayal of smoking available to New Zealand youth through the internet,[90] films, and magazines [91].

One of the ways to 'minimise the problem' is to use other words. Thus 'problems' and 'hazards' become 'issues' or 'concerns'. In the 2003 *Social Report*, BATNZ does not describe smoking as a 'problem' but as an 'issue' (except in relation to youth smoking, p.41). BATNZ aims "to seek solutions to tobacco issues" (p.5). The report highlights a 'stakeholder' view by using the words "Maori smoking is described as an 'issue worthy to address'." The report then goes on to report a 'stakeholder' suggestion that BATNZ consider helping "Maori to solve their own problems" (p.51). This frames the situation as Maori having the problem rather than BATNZ.

3.2.5 'Assisting government'

BATNZ tries to portray itself as an essential and helpful partner to government. For instance, the 2003 *Social Report* states:

> We share the desire of the public health community to reduce the health impact of smoking, and are committed to working with others to do that. (p.53)

Translated, this means, "*We will help with anything that does not decrease our sales, or which slows the rate of sales decline*" (such as some youth programmes and retail 'education' programmes). BATNZ portrays the 'voluntary' tobacco marketing agreements with government between 1973 and 1990 (which were only in place because the tobacco industry preferred them to legislation) as:

> A measure of our commitment to working with government to formulate sensible, workable regulations. (p.126)

Translated, this means, "*We will keep trying to persuade, or to force government to have the type of regulations that we would prefer*". Associated with this strategy is the attempt to portray good policymaking for tobacco as allowing for the needs of the tobacco industry, rather than making health the primary consideration.

**"British American Tobacco has a
long history of working with governments
to help them discharge their
public health responsibilities."** BAT UK 1998

For instance, the 2003 *Social Report* states that:

Sensible tobacco regulation considers and reflects the differing needs and preferences of all affected stakeholders, be they, consumers, tobacco retailers, hospitality providers, public health authorities, government or tobacco companies... by working together with interested stakeholders, sensible regulation can be developed. (p.32)

The BATNZ 2004 *Scorecard* states:

We are committed to ongoing dialogue with the Government, scientific community and public health officials. As a first step, we have offered to transfer knowledge to interested stakeholders on complex issues to assist in achieving meaningful, New Zealand based solutions. (p.26)

Translated, this means, "*We will give the information we choose to those we choose, as part of our efforts to prevent government from requiring us to provide information.*" 'Working with government' is a normal BAT (and tobacco company) ploy. A 1998 BAT submission to the British government stated:

British American Tobacco has a long history of working with governments to help them discharge their public health responsibilities.[39]

Such statements appear to be bizarre, not only because of BAT efforts to stall tobacco control [92-96], but because of BAT's active involvement in organising the smuggling of tobacco [97-99].

Example of shop front prior to legislation restricting point of sale advertising.
http://tobaccodocuments.org/pollay_ads

3.3 What is the extent and quality of the BATNZ social audit process?

This section first examines the report process (3.3.1), then addresses the gaps (3.3.2), the issue of present deception by BATNZ (3.3.3), and the reasons for the change of stance about health risks (3.3.4). The section ends with an inquiry into the report 'verifiers', Bureau Veritas (3.3.5) and a brief description of the role of the others in the report process (3.3.6).

3.3.1 The BATNZ reports process

The apparent process for the reports is to invite 'stakeholders' to meetings, to record and discuss the questions and comments made by them, and then to make commitments about some of the issues raised (2003, p.10). Bureau Veritas then 'verifies' the extent to which BATNZ activity can be measured against selected indicators (2003, p.13), including the 'Stakeholder-derived indicators' (2003, p.75).

After the first meetings with stakeholders, which 29 out of 83 invitees attended (2003, p.16) and after the separate sessions for BATNZ employees:

> The company then reviewed the expectations raised by stakeholders against its current practice and policies and prepared a response to each expectation. Where we committed to undertake new action(s), indicators for measuring and tracking performance were also developed ('Stakeholder Derived Indicators'). Stakeholders were then invited to meet with the company again to provide feedback on its proposed response and performance indicators. (2003, p.12)

In the second round of meetings, 22 of 130 invitees attended (2003, p.16). As indicated in the quotation above, BATNZ was selective about the issues on which they committed to undertake actions. BATNZ describe social reporting as:

> A process for stakeholder engagement recognised as an appropriate and effective means for tackling difficult issues. (2003, p.5)

However, BATNZ neglect to say *which* of the possible difficult issues, for instance, our health or their public relations? Neither do we know who has 'recognised' social reporting as effective for these issues.

The BATNZ Managing Director describes their social reporting process as "open, transparent and inclusive," (2003, p.3) and states that no "restriction was placed on the issues that could be discussed' by 'stakeholders'" (p.12). In fact the BATNZ CSR reports have been created using flawed and deceptive processes. While there is some involvement of partly independent auditors, BATNZ was involved in the selection of the areas covered, and BAT controlled the publishing process for the reports.

The process was not 'open', as the opportunity to attend meetings was by invitation only. In the first section of the 2003 report, 'Report Scope', BATNZ says:

> The issues and areas of business included in this Report have been determined by internal and external stakeholders of British American Tobacco New Zealand.

An independent report would not have its agenda determined by 'internal and external stake-holders', but would determine its own plan of inquiry, independent of the company. The report also fails to say who the 'stakeholders' consulted were. In a number of places 'stakeholders' views are reported, but without any identification of them, or of any indications of their commercial or other interests. A minimum description of the report process should list the 'stakeholders' invited to meetings, and those who attended. This would enable evaluation of the consequences of the BAT consultation process, and help reveal the extent to which the 'stakeholders' were allies or the credulous.

By encouraging friendly stakeholders to attend the meetings for the report process, BATNZ has been able to ensure that questions are asked that enable them to make the statements they wish to make. Many of the queries raised by the unidentified 'stakeholders' appear to be patsy questions, which allow BATNZ to put forward answers that are favourable to the company. Other questions are brushed aside, such as the suggestion that BATNZ move out of tobacco manufacturing. (2003, p.23.)

To summarise this section, unidentified invited 'stakeholders' met BATNZ officials, and BATNZ controlled the issues on which action is to undertaken, and the consequent report.

"we comply with all local laws
and regulations" BATNZ 2003

3.3.2 GRI and what the BATNZ reports do not cover

BATNZ (and other BAT companies) have used the 'Global Reporting Initiative' (GRI) social indicator system. This system, BATNZ says, is:

> A process standard covering the way that social performance reporting is carried out, and embodies a set of key principles which aim to encourage a high standard of transparency and impartiality. (2003, p.15)

However, the GRI system, and thus the BATNZ reports, do not have declared standards or norms for the consequences of company actions, only for the reporting process. Thus at best the reports only tell us about whether BATNZ reached a standard in the process, but not about whether any standard in outcomes was reached.

The 'verifiers' of the BATNZ CSR reports, Bureau Veritas (New Zealand) Limited, have stated in the BATNZ 2003 *Social Report* that BATNZ has reported on 100 percent of the core GRI social indicators. However, the GRI system, as interpreted by Bureau Veritas, does not require more than superficial and incomplete answers. Crucially, the reports do not give any hard information on the extent of the health effects on consumers of BATNZ's products.

In the PR1 section of the GRI system, where the GRI indicator asks for BATNZ to report on their actions for preserving customer health and safety, BATNZ dodges the issue by saying that "we comply with all local laws and regulations" (2003, p.102). Despite the GRI indicator asking for "monitoring systems and results of monitoring" there were no details on any BATNZ monitoring system for the health effects of its products, and no estimates on the deaths and illnesses causes by BATNZ products. Nothing was said in the report about BATNZ's responsibility for fifty years of deception about the health effects of smoking and secondhand smoke, about BAT's misuse of tobacco product design, nor about their opposition to the most effective tobacco control measures [100].

BATNZ currently sells 75 percent of the tobacco products in New Zealand. In 1999 BATNZ absorbed Rothmans New Zealand, and the two companies had a joint share of over 90 percent of the market for many years before they merged. The products of BATNZ and its predecessors thus cause at least 75 percent of the tobacco-related deaths in New Zealand.

Advertising consistently glamourises smoking.
http://tobaccodocuments.org/pollay_ads

As there are at least 4300 deaths from tobacco smoking in New Zealand per year [7, p.31], BATNZ products are responsible for at least 3200 deaths a year in New Zealand. This is in addition to the deaths in the countries where the products are exported to, including a number of Pacific states [101]. BATNZ products are also proportionately responsible for the loss of over 50,000 DALYs per year from tobacco smoking [8, pp.280-1]. That is, the loss of quality of life, through sickness and disability, is equal to over 50,000 years of life lost.

In terms of annual hospitalisations and sickness episodes, the effects of secondhand smoke from BAT products alone causes about 75 percent of:

• more than 500 hospital admissions of children under two years suffering from chest infections;

• almost 15,000 episodes of childhood asthma;

• more than 27,000 GP consultations for asthma and other respiratory problems in childhood;

• 1,500 hospital operations to treat glue ear;

• approximately 50 cases of meningococcal disease;

• approximately 1,200 admissions to hospital for ischaemic heart disease;

• almost 500 admissions for people suffering from strokes [102].

The nearest the reports came to covering the *type* of health effects from BAT products were statements that:

> Our products pose real and serious risks to health (2003, p.2) ...There are real risks of serious disease associated with smoking, such as lung cancer, respiratory disease and heart disease and for many people, smoking is difficult to quit. Put simply, smoking is a cause of certain diseases. (2003, p.34)

In sections of the 2003 and 2004 reports, where the GRI indicator asks for BAT to report on the 'impacts on communities' of BAT activities, BAT chose to only report on local environmental effects and on the occupational safety of their own workers (2003, p.100; 2004, p.32-33). The reports do not identify the social, economic, and financial effects of the company's products.

**"The studies on lung cancer to date
suggest that if there is a risk,
it is too small to measure
with any certainty."** BATNZ 2005 statement about secondhand smoke

No mention was made of the effects on families, whanau and communities of the early deaths of the smokers of BAT products, the effects of their long and chronic sicknesses, and the devastating effects of the deaths of infants and children due to secondhand smoke from BAT products. The effects of these early deaths include the absence of kaumatua and kuia in Maori whanau and communities, and elders in Pacific families and communities. The smoking of BAT products is a significant contributor to the average life expectancy for Maori in New Zealand being over eight years less than non-Maori [103].

The reports do not identify the large economic and financial costs to households, and to New Zealand and Pacific societies, from BAT products [84, 101, 104]. The annual financial burden on Maori and Pacific communities of tobacco use include over $250 million spending by Maori and over $70 million spending by Pacific peoples in New Zealand [105, p.5].

One of the reasons that the BATNZ reports do not cover the extent of the social and economic damage from BATNZ products is the limited range of data sources used. No effort appears to be made to go beyond the meetings with stakeholders, to even search the published literature for data on the social and economic impacts of tobacco in New Zealand.

3.3.3 The lack of mention of present deception

Nothing was said in the BATNZ CSR reports about continued BATNZ deception on the effects of secondhand smoke. In May 2005, the BATNZ website continued to say that:

> We think that many of the claims against environmental tobacco smoke have been over-stated. Specifically, we don't believe that it has been shown to cause chronic disease, such as lung cancer, cardiovascular disease or chronic obstructive pulmonary disease, in adult non-smokers. ...The studies on lung cancer to date suggest that if there is a risk, it is too small to measure with any certainty. [106]

This statement is contradicted by rigorous reviews conducted by official groups of scientists in Britain, the USA and the World Health Organization. These have found that secondhand smoke "is a cause of lung cancer in never-smokers" [107], "is a cause of ischaemic heart disease" [108], that it "adversely affects fetal growth" [109], and causes and exacerbates "asthma in children and adults" [110].

3.3.4 'At least they are admitting the health risks'

Statements by BATNZ since 2001 which admit to some health risks from smoking (in contrast to previous denials) continue in the BATNZ social reports (see section 3.2.2 above). However, there is no explanation of why BATNZ admits to some risks now (and since 2001) but denied the risks up until at least 1998.

What BATNZ do *not* want to say is that since the large scale disclosure of internal BAT company documents since 1995, it has become impossible to deny that the international BAT group knew the risks many years ago [111, 112]. After the 1998 Minnesota trial which legally demonstrated this [113], BAT decided that the legal and reputational risks of some denials were too great.

3.3.5 British American Tobacco and Bureau Veritas

Bureau Veritas (New Zealand) was employed by BATNZ to 'verify' the CSR reports, as part of a worldwide deal between the parent BAT company and Bureau Veritas Companies. Bureau Veritas states in the 2003 *Social Report* that:

> British American Tobacco New Zealand has made all reasonable efforts to make the process as inclusive as possible, but reluctance to engage by certain key stakeholders has limited this to an extent. (2003, p.106)

and that
> 'In our opinion the Social Reporting Process is at a reasonable level of maturity'. (p.108)

Such a statement brings into question the standards of Bureau Veritas. Bureau Veritas is a commercial company, whose slogan is 'for the benefit of business and people'. They are in turn owned by the French investment company Wendel Investissement. The company was paid over NZ$1 million for a years' work on the initial BATUK CSR report [114]. Bureau Veritas clearly has a commercial incentive to not be damaging to international BAT profits. They state that:

> British American Tobacco embarked upon a major initiative in its commitment to Corporate Responsibility and reporting… Bureau Veritas was chosen as global verification agency for this initiative. Among the key reasons why BAT selected Bureau Veritas were: independence from the world of financial auditing, credibility as a truly independent third party, and the international coverage offered by the Bureau Veritas network. [29]

"They [BAT] have to prove that they are acting in a socially responsible manner, with the best interests of both the local community and wider society at heart." BUREAU VERITAS

Bureau Veritas appears to describe CSR reports as helping businesses in general, and BAT in particular, to counter community advocates:

> In the new arena of social accountability, BAT knows that it needs to demonstrate that it is a sustainable business. They need to show that everyone involved is benefiting or at least being listened to, from plantation workers through to shareholders, from smokers, non-smokers and youth to all other stakeholders. They have to prove that they are acting in a socially responsible manner, with the best interests of both the local community and wider society at heart.

> Quite often pressure groups make claims that are not true. The media reads the CR reports extremely closely to balance out arguments – as champions of the public cause, they need to be reassured about a company's behavior. [29]

3.3.6 The others in the report process

Besides Bureau Veritas, two consultants were involved in the BATNZ 2003 *Social Report*, Melissa Clark-Reynolds and Leanne Holdsworth. Clark-Reynolds is described in the 2003 *Social Report* as running "the process to ensure stakeholders had an opportunity to express their views openly and freely" (p.12). She is quoted as saying:

> In the main it appeared that stakeholders present were willing to continue to engage for future rounds particularly when they can see deliverables have been acted upon. (2003, p.17)

Holdsworth is described as 'an independent note-taker', recording 'stakeholder expectations' (p.12). The 2003 *Social Report* uses the activities and associations of the consultants to add credibility to the report process. Clark-Reynolds is described as "a proponent of women entrepreneurs and social responsibility in business" who is a "National Council Member of the New Zealand Family Planning Association," and "a Trustee of the Women's Loan Fund" (p.115). Holdsworth is described as "the sustainable development adviser to the Office of the Auditor General in New Zealand" (p.115).

> **"...despite knowledge of these risks, many will continue to choose to smoke."** BATNZ 2003

3.4 Particular techniques: What tricks did the reports use?

Two of the devices that the BATNZ CSR reports used are:

- The portrayal of smoking as a choice.
- The use of linguistic devices to attempt to give a positive impression of the company, and to decrease perceptions of smoking being a problem.

3.4.1 Downplaying addiction

The BATNZ CSR reports avoid the reality of addiction by framing smoking as a choice, with at least seven uses of the words 'choose' and 'choice' in the 2003 *Social Report*. In six of the cases where these words were used, the sentences also included words such as 'informed' 'knowledge' or 'information' (See Appendix 1). These word associations, such as in 'informed choice,' attempt to give the impression that smoking is a rational decision made with sufficient information.

The description of smoking as 'a choice for informed adults' is false on several counts. Smokers and those starting smoking do not appear to make rational and informed choices.[115] They appear to misjudge the risks involved, and have imperfect knowledge on which to base decisions [116] with starting smokers underestimating the dangers and costs of nicotine addiction.[117] Smokers may not accurately perceive their own risks because of over-optimism, an illusion of control, lack of high impact information and/or an inability to evaluate the available information [118, 119].

The 2003 *Social Report* states:

> We believe smokers in New Zealand are well aware of the risks of smoking and, despite knowledge of these risks, many will continue to choose to smoke. (2003, p.23)

This statement is deceptive, because of the inaccurate risk assessment described above, the desire to quit by nearly all smokers [68] and power of nicotine dependence [69]. The 2003 *Social Report* then frames nicotine addiction as a 'popular understanding' rather than a fact that BATNZ accepts:

> We accept that the popular understanding today is that smoking is addictive. (p.34)

> **"We support the sensible regulation**
> **of the manufacture, promotion,**
> **sale and consumption of tobacco products."** BATNZ 2003

They do *not* say 'we accept that smoking is addictive' or that 'the scientific evidence has long shown that smoking is highly addictive'. The 2003 report attempts to portray the support given to smokers to quit as sufficient, and that smokers who continue are therefore choosing to continue.

> Reality dictates that a significant proportion of New Zealanders will continue to choose to smoke despite the fact that they are supported by programmes which may offer assistance to those smokers who wish to quit. (p.35)

In fact, despite the best efforts of cessation workers, the current treatment for most smokers in New Zealand who seek help to quit is of low effectiveness. Those who actively seek treatment via the world standard Quitline have less than one chance in five of staying nicotine free a year after quitting [120]. The New Zealand government spends less than 14 million dollars per year on smoking cessation programmes, or less than twenty dollars per year for each of the 700,000 plus New Zealand smokers. This contrasts with the over $4000 per year spent per heroin addict in the methadone treatment programme [121].

3.4.2 Tricks with language

The BATNZ CSR reports use linguistic devices to attempt to give a positive impression of the company, and to minimise or soften the dangers of smoking and secondhand smoke.

The reports repeatedly use words such as 'sensible', 'reasonable', 'responsible', and 'factual' in ways that associate the words with the company. The word 'responsible' or 'responsibly' is used at least 12 times in the 2003 report (see Appendix Two) often in phrases such as 'responsible corporate citizen' or 'responsible company'. The reports use the word 'sensible' and 'common sense' to describe attitudes and actions more favourable to their shareholders (Appendix Two), with 'sensible' being used five times on page 32 of the 2003 *Social Report* to describe the type of regulation that BAT wants. For instance:

> We support the sensible regulation of the manufacture, promotion, sale and consumption of tobacco products. …It is our position that by working together with interested stakeholders, sensible regulation can be developed which is both effective from a policy perspective and acceptable to the majority of affected parties. (2003, p.32)

Translated, this means:

We will support regulations that do not lower the value of our brands, that would not affect our ability to sell direct to retailers, and that are acceptable to us and our allies.

The word 'reasonable' is used nine times in the 'International Tobacco Products Marketing Standards' (2003 report, pp.127-132), as well as in a description of the *Social Report*'s intention to meet:

> the reasonable expectations of New Zealanders. (p.5)

Translated, this means:

If New Zealanders expect more information than we choose to give, that will not be reasonable.

Section 3.2.4 above detailed some of the language used to soften the effects of smoking, with the use of 'concern' and 'issue' instead of 'problem'. One means to obscure the health and other effects of BATNZ's products are to describe them as 'complex', as in 'complex issues' (2003, p.2). Another device is addressing the issue of tobacco smoke pollution under the title of 'public smoking' (2003, pp.58-61, 80,124). This usage implies that 'private smoking' is not a problem. It also avoids using more accurate and specific terms such as 'secondhand smoke' or 'tobacco smoke pollution'.

In the 2004 *Scorecard*, the effect of statements about the risks of smoking are diminished by the surrounding rhetoric about 'respecting the right of informed adult consumers to choose the products they prefer... a large number of people will still choose to smoke' (p.26). The positive steps of quitting and reducing smoking are blunted by making the benefits appear ambiguous by using words such as 'discuss' and 'might'. BATNZ wants to:

> discuss whether smokers might take steps to reduce risks by smoking fewer cigarettes, smoking lower delivery cigarettes and quitting smoking sooner. (p.26)

The effect of these tricks is to increase the risk that readers will be led to share false assumptions, or to at least be sufficiently confused as to blunt their actions on BATNZ behaviour.

3.5 What the BATNZ reports are really about

Rather than being open and transparent, the real purpose of the reports, and of surrounding public relations efforts, is to:

1. Help BATNZ to control the agenda about tobacco;
2. Better understand their opponents, as discussions and correspondence with BATNZ by tobacco control people are a gift of information about who those people are, and what their concerns are;
3. Slow the regulation of the tobacco industry;
4. Support the idea of separate impacts from different parts of the BAT empire.

The means by which the BATNZ social responsibility report process helps control the agenda about tobacco sales and marketing includes:

- **The dilution of tobacco control advocacy**: The social responsibility report process helps to dilute and overshadow tobacco control advocates' efforts in public comment and industry-community contact. This is done by encouraging the involvement of more 'flexible', sympathetic, neutral or naïve community, government and business voices.

- **Diversion of discussions around BATNZ activities**: This is done by attempts to channel and divert discussions about BATNZ away from health into 'controllable' and less dangerous subject areas, such as risk reduction, environmental effects and labour conditions.

- **Controlling discussions around BATNZ activities**: The running of 'stakeholder' meetings by BATNZ gives them increased control of a portion of all current discussions about BATNZ. The voluntary nature of the Global Reporting Initiative rules used by BATNZ for the reports means that they can be selective about which guidelines they will adhere to.

- **Diversion of critics' energy**: The involvement or non-involvement of current and potential critics in the report processes can divert critics' energy:
    – If critics participate, the process absorbs their energy in a non-productive way.
    – If critics don't participate, they then may need to defend themselves from charges of extremism or indifference.

- **Highlighting the 'positives'**: By helping highlight the 'positive' activities of BAT, such as youth smoking programmes.

**...their public face is usually
well acted, verbally fluent, and
composed in the face of the evidence
of their harm and deception**

- **Highlighting BAT 'moderation'**: By attempting to portray BAT as 'reasonable' and 'moderate, at the center of a spectrum of discussion, rather than at the extreme edge.
- **Harming tobacco control advocates**: By presenting advocates with an unacceptable BAT controlled process, tobacco control advocates could be portrayed to others involved in the process, to media, and to governments as extremists who refused to be involved in dialogue.

3.6 What sort of company would produce these reports?

The BATNZ CSR reports are deceptive and shallow, with inadequate reporting on the health, social and economic effects of BATNZ products. The reports display deliberate corporate amnesia – the deliberate ignoring of the past words and actions of BATNZ.
What sort of business organisation would produce such material?
One view is that the reports present the world as seen by a
corporate sociopath.

By 'corporate sociopath', I mean a business that harms without
compunction, whose members are unable to empathise with
their victims, and who will use and distort truth for its own ends.
A business without a conscience. The symptoms of sociopathy
displayed in the BATNZ reports (and their other actions and
words) include a lack of evidence of a sense of responsibility,
a total lack of remorse for their actions, the evidence that words
often have no real emotional meaning for them, and that they
engage systematically in deception and manipulation of others
for profit. BATNZ also fits the definition of a corporate sociopath
because their public face is usually well acted, verbally fluent,
and composed in the face of the evidence of their harm and
deception.
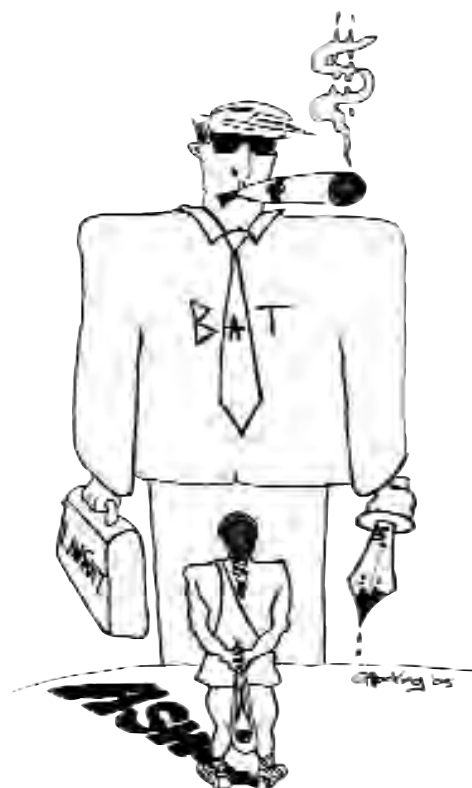
Options for dealing with tobacco company PR

This section first gives some alternatives to 'corporate social responsibility' as a way of improving business social performance, and as a way of decreasing the adverse impacts of business activity. Some options are then suggested for countering tobacco company public relations.

4.1 The alternatives to corporate social responsibility

The alternatives to CSR include the compulsory reporting of a range of impacts, and the international enforcement of minimum labour, environmental and human rights laws. A wider approach to ensuring that population health is prioritised over business concerns, could include national and international laws that required a 'duty of care' approach by businesses to their impacts. This would create legal responsibilities for the social and environmental effects of business.

That such an international approach is possible can be seen by two present international agreements. The Framework Convention on Tobacco Control requires some minimum levels of controls on tobacco companies, by nations that ratify the Convention [122, 123]. An international regulatory approach has also been taken to the control of bribery, with the OECD Convention Against Bribery of Foreign Public Officials in International Business Transactions. This requires participating states to make bribery a criminal offence [124].

4.2 Options to counter tobacco industry public relations

The basic methods of countering deceptive business activities and information include:

1. Legal requirements to disclose tobacco company information that would otherwise be hidden.
2. Legal requirements for businesses to provide accurate information on products, services and activities, to consumers and the public.
3. The independent provision of accurate, easily accessible information on products, services and activities to policymakers and the public.
4. Disclosure requirements by businesses, politicians and others that would improve the transparency of the political lobbying process.
5. The improvement of the public's skills in discerning deceptive business activities and information.

There is a need for increased capacity by governments to work together across national boundaries

Options for (1)-(3) are discussed in sections 4.2.1-3. Beyond these five particular methods, some of the changes in strategic direction by governments and non-government organisations that are necessary to counter tobacco industry deception are:

- **Focusing on the industry**: To move the focus of tobacco control policy from concentrating on the behaviour of smokers and the nature of the product, to an increased focus on the behaviour of the tobacco industry, and the political support for this industry [125]. Such a focus could include a policy of deliberately eroding tobacco industry power – the companies' ability to operate, to hide and to obscure their behaviour, and their ability to neglect the externalities of their products and escape responsibility for them. This includes effective health warnings, marketing bans, disclosure and fire safety requirements, inquiries into the industry, limits on associations with the industry, government litigation against the industry, and mass media campaigns with anti-industry themes.

- **Unifying tobacco control activity**: To decrease the fragmentation of government activity necessary for the effective control of the tobacco industry (for instance, with a tobacco control agency that had responsibility for all matters relating to tobacco). This would help ensure that responsibility for methods 1 to 5 above would not be dropped between agencies.

- **Improving international tobacco control**: The framing of tobacco industry behaviour as both an international and regional problem would provide the basis for joint action by governments. There is a need for increased capacity by governments to work together across national boundaries, to take effective and coordinated action in relation to tobacco companies. This includes continuing the development of the Framework Convention on Tobacco Control, to strengthen international consumer protection law against tobacco-related marketing and misleading claims.

4.2.1 Requiring the disclosure of hidden tobacco company information

Increasing the ability of government and the public to monitor the activities, records and planning of tobacco companies could help to counter the companies' deceptive activities and statements. This is because the nature of their activities and the accuracy of their statements could be better scrutinised.

Requiring information disclosure by businesses in New Zealand has precedents, with the Commerce Commission having powers under the *Commerce Act* to get documents and to

require evidence from witnesses, for the purposes of controlling financial markets [126, ss.98-100].
There would be a range of benefits from such policies to increase the government and public's
knowledge about the tobacco industry, including increased public and political willingness to
control the industry.

4.2.2 Requiring accurate information on products, services and activities

The New Zealand *Fair Trading Act* 1986 requires businesses not to engage in:

> conduct that is liable to mislead the public as to the nature, …characteristics, [or] suitability
> for a purpose, ...of goods.[127, s.10]

However, this law has not been enforced by government agencies on deceptive tobacco
industry statements about smoking and secondhand smoke (see sections 3.2.2 and 3.3.2 for
the statements).

Better implementation of the law would discourage tobacco companies and their allies from
making such statements. Because media coverage of statements in other countries affects
New Zealand, there is a need for international consumer protection law. The development of
appropriate protocols within the FCTC could be one avenue for this.

Accurate information on tobacco products would include government control of the way that
tobacco brands attempted to portray the products. The use of words such as 'light', 'mild',
'smooth', 'and 'fresh' and of the use of light colours can portray a brand as healthier [128, 129].
One way to avoid this type of deception is to have plain packaging of tobacco products (only
warnings and a government allocated name). A more comprehensive method would be for
government to substitute non-profit, health-based distribution of tobacco in place of the current
tobacco distribution system [4-6]. Such distribution would have no commercial brands.

4.2.3 The independent provision of information on the tobacco industry

The lack of specific inquiries about the tobacco industry, and of media and other campaigns
within New Zealand tobacco control that inform the public of the risks from this industry's
behaviour, means that there is a risk that a proportion of the public and of policymakers will

<p style="color:red">**...the industry's refusal
to take responsibility
for its long-term denial
of tobacco use risks**</p>

act as though the tobacco industry is a 'legitimate' industry. This risk can be reduced by such inquiries and media campaigns, and, indirectly, by private or government litigation against tobacco companies. Tobacco control advocates can increase the media coverage of tobacco industry behaviour by highlighting instances and patterns of industry activity.

Inquiries into tobacco industry activity in other countries have resulted in considerable media coverage of industry behaviour. The Australian Competition and Consumer Commission not only forced tobacco companies to pay for information campaigns on 'light' and 'mild' cigarettes[130], but the two year inquiry resulted in extensive media coverage. Other inquiries have been held in Britain[131, 132] and Ireland[133]. A World Health Organization (WHO) report examines the use of litigation and public inquiries as effective tools for tobacco control[67].

Media campaigns could give information on the industry's refusal to take responsibility for its long-term denial of tobacco use risks, its continued refusal to admit to the health risks of secondhand smoke exposure, its misuse of product design, its marketing to youth, its opposition to tobacco control measures, and its perversion of the research and political policies worldwide [9, 11, 41, 134, 135].

Existing local and international efforts to publicise tobacco companies' behaviour have shown the potential for such campaigns. In New Zealand, the GATT Watchdog and Campaign Against Foreign Ownership of Aotearoa groups have organised the 'Roger Awards' which have regularly included BATNZ amongst its finalists. The Roger Awards highlight the adverse nature of the net impacts on New Zealand of some multinational companies, by designating the most harmful transnational business operating in New Zealand.

Internationally, the INFACT organisation has in the past organised an international boycott of two of the most active multinational tobacco companies, Philip Morris and RJ Reynolds, and actions against others such as BAT. This boycott targeted the companies' food products, which included the brands Kraft, Post, Nabisco and Maxwell House[136]. Outside New Zealand there have been media campaigns about tobacco industry behaviour in California (from 1990) Florida (from 1998), Norway and Quebec; and the American Legacy Foundation 'Truth' campaign across the USA [137-141].

WHO has shown several avenues for finding and disseminating information about the tobacco industry. In 1999-2000 WHO held an independent internal investigation, which found that the industry had been deliberately sabotaging WHO's tobacco control programmes.[142] WHO also commissioned regional case studies on the harmful effects of industry, and studies on countering industry marketing to youth[143].

Government could report annually on the extent of the social and economic damage from the activities of tobacco companies. The collection of information to enable this could be charged to the companies, and it could occur as part of a wider monitoring of the impacts of commercial activity. In New Zealand, there are a number of precedents for the surveillance of a particular industry activity by government, and the costs of this monitoring being charged to the industry. Examples include (i) government inspectors on fishing boats, and the cost of fisheries surveillance and fish-stock monitoring; (ii) monitoring by the Department of Conservation of the impacts of commercial activities on the conservation estate. In many cases, such costs are built into the licence fees that are required to carry out the activity.

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Acknowledgements

Appendix One

Uses of the words 'choose' and 'choice' in the BATNZ 2003 CSR report

"We believe smokers in New Zealand are well aware of the risks of smoking and, despite knowledge of these risks, many will continue to choose to smoke" (2003, p.23)

"ensuring adult consumers can continue to make an informed choice about a legal product" (2003, p.32)

"smoking must only be a choice for informed adults" (p.34 and p.40)

"Adults can then make an informed decision about whether to smoke or not; and if they smoke, choose to either continue or to quit" (p.34)

"Some stakeholders asked that British American Tobacco New Zealand take steps to ensure that consumers who continue to choose to smoke have access to information which may help them to minimise the harmful effects of smoking" (p.55)

"Despite the wide range of products available, smokers in New Zealand prefer full flavoured products and continue to choose to smoke them" (p.56)

Appendix Two

Uses of positive words to associate the values with BATNZ

In the 2003 *Social Report*:

'Responsible' or 'responsibly':

"Managing a product that poses real and serious risks to health, we believe that it is all the more important that we do so responsibly." (2003, p.5)

"…the culture of responsible behaviour…"(2003, p.9)

"…responsible corporate citizen." (2003, p.12)

"…Manufacturing and selling products that pose risks of serious disease, we believe it is important that we do so responsibly." (2003, p.22)

"…As a responsible company we believe we must uphold high standards of behaviour and integrity."(2003, p.22)

"…we have a vital role to play in demonstrating best practice, operating responsibly and transparently." (2003, p.22)

"…we believe the wider public interest is better served dealing with a responsible tobacco company." (2003, p.23)

"...being a good corporate citizen and a responsible company." (2003, p.28)

"…As a responsible corporate citizen…" (p.31)

"...we have an obligation as a tobacco manufacturer to conduct our business in a responsible manner." (p.40)

"...environmentally responsible operations." (p.88)

"...we are committed to doing so in a responsible manner." (p.95)

'Sensible' and 'common sense' (in addition to five mentions on p.32):

"we support the sensible accommodation of smokers' and nonsmokers' interests alike." (p.58)

"… that through common-sense and courtesy and the appropriate use of modern ventilation and filtration measures, it is possible to accommodate both smokers and non-smokers without the necessity of government intervention and outright bans (p.58)

… the accommodation of smokers and nonsmokers can be achieved through consideration, tolerance and common sense." (p.61)

"… do not question that tobacco should be subject to sensible restrictions. … our commitment to working with government to formulate sensible, workable regulations." (p.126).

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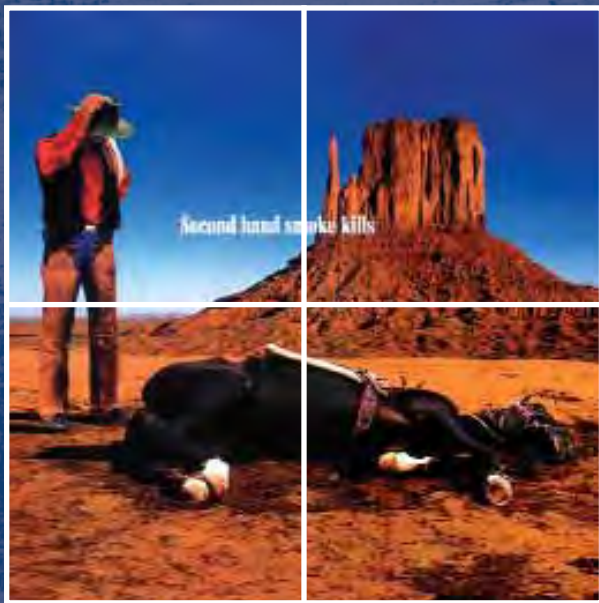
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