

# ENFORCING Strong SMOKE-FREE Laws: The Advocate's Guide to Enforcement Strategies





## The Next Stage in the Global Tobacco Control Movement



We have focused our strategies for global tobacco control advocacy over the last 40 years on the passage of strong laws. Through the initiative of the World Health Organization (WHO) and the collaboration of national and international tobacco control advocates on the landmark Framework Convention Alliance (FCA), the majority of the world's countries have now ratified WHO's Framework Convention on Tobacco Control (FCTC), and have taken steps to implement the FCTC by enacting the required laws.

When we came together in Helsinki for the 2003 World Conference on Tobacco OR Health, who among us would have dreamed that workplaces and public places – including pubs and cafes – in Davao City, Philippines; Dublin, Ireland; Cape Town, South Africa; New York City, New York; and Milan, Italy would be virtually smoke free by 2007?

Our efforts all around the world have set in motion a global wave of change. More and more cities, regions, and countries are now enacting and implementing effective, practical, and popular rules and laws that set a new standard in protecting people from the harms of secondhand smoke. Through our experiences, we have learned what wise and experienced advocates have known all along: The keys to smoke-free air are comprehensive legislation *and* effective enforcement. Even the best-written laws and the tightest regulations are sometimes poorly enforced or ignored altogether by authorities.

That is why, for the past two years, a team of volunteers led by the American Cancer Society, the International Union Against Cancer, and the Campaign for Tobacco Free Kids has reached out to our most creative and resourceful colleagues around the world to gather guidance, case studies, and stories of successful advocacy strategies for the enactment *and* enforcement of effective smoke-free laws and regulations. Team members joined together from diverse organizations, including the Framework Convention Alliance, Essential Action, and the Pan-American Health Organization. Members of the pharmaceutical companies GlaxoSmithKline and Pfizer have also joined the effort, providing both strategic and financial support. What we have found to our delight is that what holds true for most human endeavors also holds true in the worldwide enactment and enforcement of smoke-free laws: Success breeds success.

Drawing on the most culturally and politically adaptable strategies field-tested by advocates around the world, two guides have been developed that examine specific barriers to the enactment and enforcement of smoke-free laws and regulations and that offer proven advocacy strategies for overcoming these barriers.

As an additional resource, these guides will serve as cornerstones in a new global effort coordinated by the International Union Against Cancer Global Smokefree Partnership. This multi-partner initiative provides resources and support to advocates and others, with the aim of realizing best-practice smoke-free environments throughout the world.

The guides, simultaneously with their publication at the 13th World Conference on Tobacco OR Health, will be available through both Globalink [[globalink.org](http://globalink.org)] and the Smoke-free Partnership's Web site [[strategyguides.globalink.org/shs.htm](http://strategyguides.globalink.org/shs.htm)], where their content will be updated regularly and linked to complementary smoke-free advocacy resources and a range of support services.

Because the nearly half-century struggle to enact and enforce strong tobacco control laws reminded the guides' development team of the cooperative effort of climbers who, on reaching the top of one mountain, were presented with a view of the next challenging peak, the developers named themselves the "Climbing the Next Mountain Team."

Welcome to the team. Lace up your boots, pick up your pitons, and let's start climbing the next mountain together toward a smoke-free world.

John R. Seffrin, PhD  
CEO, American Cancer Society  
President, International Union Against Cancer  
July 2006



## American Cancer Society/International Union Against Cancer (UICC) Tobacco Control Strategy Planning

### *Introduction to the Series*

*Tobacco Control Strategy Planning* is a series of guides developed by the American Cancer Society (ACS) and the International Union Against Cancer (UICC). Each guide in this series takes readers through a set of strategic planning questions that address specific challenges in tobacco control advocacy. The guides answer those questions, based on the wisdom and experience of tobacco control advocates throughout the world.

*Enacting Strong Smoke-Free Laws: The Advocate's Guide to Legislative Strategies* and *Enforcing Strong Smoke-Free Laws: The Advocate's Guide to Enforcement Strategies* are the most recent guides in the series. They are intended to be used together by tobacco control advocates looking specifically to enact and enforce smoke-free air laws.

Other guides in the *Tobacco Control Strategy Planning* series include the following:

*Strategy Planning for Tobacco Control Advocacy* takes NGO (nongovernmental organization) planners through the process of developing long- and short-term national strategic plans, with an emphasis on media advocacy.

*Strategy Planning for Tobacco Control Movement Building* helps planners identify the kinds of people and allied organizations that can be the most helpful to them in putting together and implementing national plans.

*Engaging Doctors in Tobacco Control* responds to the concern of tobacco control advocates that far too few doctors – who should be among the leaders of every tobacco control movement – are actively engaged in tobacco control.

*Building Public Awareness of Passive Smoking Hazards* responds to the evidence in many countries of little or no public awareness of the serious, proven health hazards of secondhand smoke. This lack of awareness severely hampers advocates who try to persuade governments to decree or enforce smoke-free public places or work sites.

Each guide is designed to help advocates develop practical strategies to overcome specific barriers to effective tobacco control policies. As advocates continue to learn valuable lessons about tobacco control advocacy, we encourage them to share their experiences. We will continually update these guides and the related Web site [[strategyguides.globalink.org](http://strategyguides.globalink.org)] so that advocates always have access to the most current strategies and resources.



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## Scope and Organization

This guide is designed primarily for use by nongovernmental advocates, especially in developing nations, who are guiding tobacco control laws and regulations into implementation. As smoke-free laws gain momentum and pass all over the world, we, as advocates, want to help ensure that they are enforced and that they do what they are intended to do.

But one caution before using this guide should be noted here: In some locations, smoke-free laws may be so poorly written that they are unenforceable or inadequate to protect the public's health even if enforced. In such cases, the energy of advocates needs to be focused on achieving strong new laws, not wasted on efforts to enforce weak ones. This is why our American Cancer Society/UICC *Tobacco Control Strategy Planning Guide #3 – Enacting Strong Smoke-Free Laws: The Advocate's Guide to Legislative Strategies* comes before this guide.

The guide applies a variation of the five basic strategy-planning questions in the American Cancer Society/UICC *Tobacco Control Strategy Planning Guide #1 – Strategy Planning for Tobacco Control Advocacy*.

### Question 1. What do we want?

We talk about strong and effective enforcement of smoke-free laws. What specifically does that mean? What elements make up our vision of what strong and effective enforcement looks like? This vision is the goal of our enforcement advocacy.

### Question 2. Who has the authority and the power to compel compliance and respect for smoke-free air laws?

When we advocate for the enactment of laws, the federal, parliamentary, municipal, or local authorities who have the power to propose and enact them are our target audience. But when we advocate for the *enforcement* of laws, our target shifts to a different set of authorities – national, state, and local government officials and private individuals (the owners, operators, and managers of private businesses). These target audiences may well differ from law to law and from country to country. We must know exactly who has the power to enforce each law because these individuals are now the primary targets of our advocacy efforts. And we must identify those private authorities, such as employers and managers of privately owned and operated public places, who have the power to enforce smoke-free rules.

### Question 3. What messages do our target audiences need to hear to motivate them to vigorously enforce or comply with smoke-free laws and regulations?

In advocacy, we distinguish between core messages and tailored messages.

**Core** messages speak to all our target audiences. They include the fundamental arguments for the laws themselves, as well as for the enforcement of those laws. “Secondhand smoke sickens and kills” is one such core message. “Smoke-free laws and rules save lives” is another.

**Tailored** messages address the self-interest and special concerns of a particular target audience. For example, law-enforcement officials may believe that the public will not support vigorous enforcement of smoke-free laws. They need to hear that “large majorities of the public, including smokers, support the vigorous enforcement of smoke-free laws and rules.”

#### Question 4. Who can most effectively deliver these messages?

The public advocates and legislators who got the law passed have a strong interest in seeing it work and should remain engaged, particularly during the early implementation and enforcement phases. Members of the public who support the law – for example, waitresses and waiters who now enjoy smoke-free workplaces – are powerful voices. Leaders of medical societies may be respected messengers to both legislators and law-enforcement officials. But far stronger messengers to law-enforcement officials and health inspectors are their on-the-job superiors, such as directors of public health offices, ministers of justice, and mayors, who send the message that they support vigorous enforcement by those under their direction.

#### Question 5. How do we get our target audiences to hear our messages?

One of the most effective ways to get enforcement officials to listen to our messages is for advocates who enjoy their trust and confidence to speak with them directly – what we sometimes call lobbying. But this opportunity is rare. More likely, it will take media coverage to get the attention of these officials – such as a newspaper report on polling results that show strong majorities of nonsmokers and smokers massing in favor of strict enforcement of smoke-free rules. The majority of people, in fact, do support strong smoke-free laws.

It is important to keep the public engaged in the process. As discussed in greater detail later in this guide, the tobacco industry will not give up after smoke-free legislation is passed. You can expect them to try to create the perception that the law is unpopular and unenforceable. One of the best things public health advocates can do to help government authorities is to counter these claims.

Taken together, the answers to these questions can help us overcome the various barriers to enforcement of smoke-free laws that we encounter.

Sections I–V of this guide present answers to these five questions, drawn from the experience of advocates from around the world.



*Tokyo has declared some of its neighborhoods, such as those that span business districts, entirely smoke-free. This sidewalk sign reminds passersby that in addition to the smoke-free neighborhood's businesses, it is also prohibited to smoke anywhere outside of buildings, such as public thoroughfares. Added bonus: The disappearance of cigarette butts means reduced litter.*

Credit: Tom Glynn (Tokyo, Japan)

## Factors That Support Enforcement

Before delving into the basics of smoke-free law enforcement, it may be helpful to discuss, in general, both the factors that support enforcement and those that inhibit enforcement. This section will present an overview of the types of influences you may deal with in your campaign and hopefully will give you some context for understanding the strategies in this guide.

First, the factors that support enforcement:

### **Enforcement Force 1. Strong Public Support for Smoke-Free Laws**

A well-run smoke-free campaign will have generated strong public support for smoke-free laws. Highlighting this support by, for example, publicizing the results of opinion polls and surveys is one way to encourage enforcement and reinforce public support. Moreover, the overwhelming success of Ireland's smoke-free laws, and the strength of public support for these laws, is a story worth repeating. Draw attention to these successes and stories of public support to show enforcement authorities that they will be held accountable by the public.

### **Enforcement Force 2. The Moral Force of the Law**

Just as the ratification of WHO's Framework Convention on Tobacco Control added great legitimacy and impetus to the priority for enacting strong tobacco control laws, the passage of such laws – in most countries – is itself a powerful symbol of their significance and legitimacy. And in most countries, citizens tend to respect and obey the law.

#### **A Model Pub Owner**

Oliver Hughes is publican at the popular Porterhouse Bar in Dublin's Temple Bar area, and he also owns a bar of the same name in London's Covent Garden.

He was against the Irish smoking ban at the outset, but has since “done a U-turn”, as he puts it.

In his Dublin pub, which sells a lot of food, things are “working perfectly” since the ban was introduced.

There's an outside area where people can smoke, and he thinks the ban may have brought some non-smokers back to pubs.

– *BBC News, October 28, 2005*<sup>1</sup>

### Enforcement Force 3. The Public Standing of Tobacco Control Advocates

Before laws are enacted, tobacco control advocates are citizens seeking new laws on behalf of public health and social justice from outside the system. But once the laws are enacted, tobacco control advocates enjoy the higher standing of law-enforcement advocates; the law is on their side. They can now enlist new allies, such as advocates for the rule of law in emerging civil societies, and they may even have legal standing to petition the courts charged with legal responsibility and power to order enforcement of laws.

Advocates in Bangladesh and Niger, for example, have discovered the power of having the law on their side and of using the law to gain further standing for their tobacco control objectives. In Bangladesh, NGO staff served on the law-drafting and the rules-drafting committees of the Ministry of Health. This allowed them to attend the meetings in which British American Tobacco (BAT) Bangladesh petitioned to weaken the law, and to respond directly to BAT's claims.

From Niger, Inoussa Saouna points out that his country's newly approved tobacco control law contains a clause that recognizes the role of civil society in enforcement: "Organizations with a statutory objective of tobacco control . . . can exercise their rights as civil parties as regards legal infractions."<sup>2</sup>

### Enforcement Force 4. The Ability to Issue Fines or Formal Warnings to Those Who Refuse to Comply

Once laws are on the books, advocates are not limited to public health and other policy arguments for support. They can criticize law-enforcement officials who do not take seriously their duty to enforce the laws, as well as public officeholders and private business managers who now have a legal obligation to obey them. As citizens, advocates can challenge smokers to obey the law. The laws now in place offer advocates the opportunity to confront publicly those who do not uphold the law.

*Two very useful messages to send to patrons: Italy's smoke-free signs reference the law that prohibits smoking in work places and the range of fines that are applicable to transgressing this law.*



Credit: Barbara Coons (Capri, Italy)

## A Model of Swift and Vigorous Enforcement

### Deasy Could Face £3,000 Fine

Sacked Fine Gael [governing party] justice spokesman John Deasy could be fined up to £3,000 for defying the new smoking ban, it emerged tonight.

Mr. Deasy was dismissed from his frontbench position after he lit up in the Dáil Members' Bar – part of the same building in which the ban was signed into law – earlier this week.

The outspoken Waterford TD enjoyed several cigarettes after staff refused him access to an outside courtyard where he wanted to smoke.

Mr. Deasy seemed assured of a bright future in Irish politics after he was elevated to the opposition front bench within a month of his first election to the Dáil two years ago.

The son of former agriculture minister, Austin Deasy, the 35-year-old was once touted as a future Fine Gael leader but his political career was in tatters tonight after his dismissal from the justice portfolio.

Fine Gael Party leader Enda Kenny insisted he had no option but to dismiss Mr Deasy from his role as justice spokesman after he admitted the offense.

“If we are to restore public faith in the political system, politicians must lead by example,” he said.

“No man or woman is above the law and no politician is above the law.”

“In that sense it is my responsibility to enforce standards in the Fine Gael party.”

The Office for Tobacco Control said it had referred Mr. Deasy's case to the local health board.

A spokeswoman said due process would take its course.

*– Irish Examiner, January 4, 2004<sup>3</sup>*

## Enforcement Force 5. Cultural and Social Norms

Many cultures oppose smoking for reasons in addition to health. In Bangladesh, widespread knowledge that smoking is “wrong” (at least partly because of religious beliefs and a ban on the legal sale of alcohol) meant that the public was ready for a tobacco control law long before the government passed one, and that the public and press are actively supporting enforcement.

The recognition that smoking is unattractive and unglamorous – just the opposite of the image tobacco companies spend billions of dollars to project – can shift cultural norms in favor of smoke-free laws. For example, when Milan became smoke free, Silvia Ceccon, Italy’s Miss Universe 2004, supported the city’s new smoke-free rules: “I am using my beauty to send a strong anti-smoking message. It’s anti-social and of course very bad for your skin, hair and teeth.”<sup>4</sup> Such cultural messengers can prove difficult to resist.

Often, people simply need to be reminded of the local law. The following example is a tale of how a reminder to a high-profile rule breaker, combined with media attention, can get the job done.



Credit: John Tung Foundation (Taiwan)

*Popular Mandarin singer/actress  
Coco Lee worked with Taiwan’s John Tung  
Foundation to encourage smoke-free lifestyles  
in Taiwanese youth. Pop culture figures  
promoting smoke-free areas and lifestyles  
provide counter messages to tobacco  
advertising and the promotion of smoking  
in movies and on TV.*

## Bono May Be Charged over Hotel Smoke

Health officials have confirmed that Bono, the U2 singer, is to be investigated for breaking the country's smoking ban in the restaurant of a hotel that he co-owns.

The diminutive singer may face prosecution for lighting up last weekend in the Clarence hotel, which he owns with the Edge, while hosting a party for the Red Hot Chili Peppers.

Staff at the Tea Rooms restaurant asked the star to stub out his cigarette in the early hours of Saturday morning, when the party was in full swing.

They later expressed anger at the singer's behavior. "We're not even allowed (to smoke) outside the door where it's perfectly legal," said one. "It's totally against the law for Bono to do this. But it's one law for them and another for us."

He had been smoking openly inside the restaurant despite the three-month-old ban.

The 44-year-old multimillionaire and anti-poverty campaigner, who lives in south Dublin, said he had been "unaware" of the ban. "I was in the company of people from out of town who didn't know about the ban and for a moment nor did I," he said.

His protestations may fall on deaf ears. The Dublin south western area health board, which has questioned John Deasy, the Fine Gael TD, over smoking in the Dáil bar, confirmed last night it was investigating the incident.

Sources said an inquiry had begun which could end in the singer being fined £3,000. "A high-profile scalp will certainly make the point," said one.

Officials are taking a hard line on those who flout the law. The Office of Tobacco Control says there has been a 97% compliance rate across the country.

– *Sunday Times, Ireland, June 20, 2004*<sup>5</sup>

In most countries and cultures now, the knowledge that smoking sickens and kills is widespread. This understanding triggers the public appreciation that exists in many cultures of the need to protect children, the desire for a clean environment, and cultural sanctions against doing harm to others. These cultural norms can combine to lend support to enforcement advocacy.

### Enforcement Force 6. Smokers' Desire to Quit

Studies of smokers' struggles to quit – and to stay quit – reveal that many smokers see enactment of smoke-free laws as the motivation and support they need to do something they've known they should do – and wanted to do – for a long time. So some smokers may actually welcome smoke-free rules and want to comply with them.

As Bangladesh-based advocate Debra Efroymson reports:

*In Bangladesh, shortly following the passage of a law banning smoking in many public places, and before any serious enforcement measures began, a local anti-tobacco NGO began getting many requests for aides to quit smoking. Since smoking was suddenly no longer publicly acceptable, many smokers decided that their attempts to quit smoking should become serious and promptly sought help. That is, simply the passage of a law can be an impetus to behavior change, especially among the many smokers who wish to be free of the addiction.*<sup>6</sup>

## Ten Factors to Keep in Mind for Successful Smoke-Free Enforcement

1. **Capitalize on public support.** A well run campaign builds support for the law and educates the public about the law.
2. **Promote effective coordination by government agencies.** Typically, there will be several government offices involved in smoke-free law enforcement. Tobacco control organizations and experts can play an important role as resources and expert advisors to the implementation task force. If government officials will not take the lead in coordinating their efforts, a tobacco control organization or coalition may be able to play the convening role.<sup>7</sup>
3. **Educate your community.** Informing employers, restaurants, and others about the provisions of a smoke-free law and the effective date prior to the law going into force can provide tremendous support for effective enforcement.
4. **Believe in the power of a good law to curb the power of addiction.** Do not assume that smokers are the problem. Virtually every survey (as well as tobacco industry documents) show that most smokers support smoke-free environments.
5. **The tobacco industry may mount a big public relations campaign to try to create the impression that there is no public support for the law, that businesses are going broke, and that no one is obeying the law.** Prepare yourself to act against this misinformation. NGOs can be helpful in countering this misinformation by conducting and publicizing polls showing how popular the law is and, even more importantly, lining up testimonials from people – especially bartenders – who think that the law has improved their lives.
6. **Prepare and distribute materials for businesses impacted by the law.** Clearly explain the law, what is covered, what is required of the business, what are the penalties for not complying, how the law will be enforced, and whom to contact if they have questions.
7. **Urge the authorities to establish a simple reporting mechanism for people to report violations, such as a toll-free number.** Urge the authorities to investigate violations promptly. If the authorities won't do this and you have the resources, establish a reporting mechanism yourself, and make sure the authorities receive these reports and act on them – or publicize their failure to do so.
8. **Insist that the authorities demonstrate strong enforcement.** The enforcement agency should make it clear that repeated violations will result in citation and prosecution.
9. **Expect a few high-profile scofflaws; they need to be publicly cited and prosecuted.** One or two serious enforcement actions will bring everyone else in line.
10. **If possible, dedicate staff to work on enforcement, particularly during the initial phases of the law.** After that, most of the enforcement can be rolled into ongoing health, environmental, and other workplace safety enforcement activities.



*While restrooms were often smoky in the past, Italy's new smoke-free workplace laws prevent smoking in the bathrooms of public places. Prominent "no-smoking" signs promote awareness and compliance among staff and patrons.*

Credit: Barbara Coons (Perugia, Italy)

## Barriers to Enforcement

As Dr. John Seffrin of the American Cancer Society reminds us, to get strong smoke-free laws enforced, advocates who have already fought hard to achieve those good laws must climb yet another mountain. And along the way, we are confronted and tested by economic interests that dread effective enforcement.

Our first task as advocates for vigorous enforcement of smoke-free laws is to identify and get to know the barriers those interests have erected.

Advocates must be particularly aware of industry lobbyists who work through other organizations to oppose smoke-free laws and their enforcement. The tobacco industry often uses or creates and heavily funds restaurant and bar associations and related trade unions and/or “smokers’ rights” associations to fight the passage of smoke-free legislation. This hidden lobbying can continue in the law’s enforcement stages. For more on the industry’s funding of front groups and on countering industry misinformation, see American Cancer Society/UICC *Tobacco Control Strategy Planning Guide #3 – Enacting Strong Smoke-Free Laws: The Advocate’s Guide to Legislative Strategies*.<sup>8</sup>

### **Barrier 1. Industry Misinformation**

The tobacco industry and other opponents of smoke-free laws continue to put forward false but seductive arguments in opposition to them. Although their arguments may not have persuaded legislators and government health and economic officials, their claims may influence enforcement officials and media outlets unfamiliar with the counterarguments. In particular, the funds they spend on public relations and the expertise they have developed in that area are the greatest impediments to effective enforcement.

Advocates must also be aware of the industry’s influence on the media via its powerful public relations campaigns. The industry will release dozens of captivating stories – often more interesting to the press than dry statistics – that are designed to create the illusion that no one is in favor of smoke-free laws, that they are too difficult to enforce, and that they are not being obeyed.

### **Barrier 2. Perceived Lack of Public Support**

Enforcement officials may wrongly believe that the public, workers, restaurant patrons, and others (nonsmokers as well as smokers) do not support strict enforcement of smoke-free rules. Tobacco companies have most likely propagated the notion that the majority opposes the enforcement of smoke-free laws. While a minority may actually oppose them, we know from opinion polls that in most locales a majority is in favor. We can use such public opinion polls, along with personal testimony and enforcement success stories, to remind politicians and media of the reality: The public wants smoke-free air.

### **Barrier 3. Corruption**

Corrupt practices such as bribery impede citizen efforts to gain government support and passage of strong smoke-free laws and regulations, and these same forces are at work to stop effective enforcement. Opponents’ efforts to undermine enforcement can be hard to detect. For example, enforcement officials may make bold statements about their intention to enforce smoke-free rules but, swayed by the efforts of the tobacco industry and others, in fact conduct only minimal inspections, issue weak warnings, and fail to impose the substantial monetary fines that send business owners and smokers a clear message that they will be punished for violating the law.

## Barrier 4. Backsliding (When Strong Enforcement Is Reversed)

Advocates know they must continue to be vigilant as they celebrate victories over tobacco use. No forward step guarantees permanent success.

By mid-October 2004, shopping mall operators in Dubai had adopted vigorous steps to enforce a new smoke-free law, including the removal of ashtrays and the display of lively warnings and posters with such slogans as “No secondhand shopping” (a word play on “secondhand smoke”) and “Change is in the air.”<sup>9</sup>

But less than a month later, as the *Khaleej Times* reported from Dubai:

*The warning signboards with smart-alecky one-liners are gone and the sand-filled public ash trays are back . . . The fear of the economic pinch and the pressure to increase the flow of visitors seem to have worked in favor of smokers as mall after mall is returning to its original stand on the issue. People in the industry say that the decision by some malls to allow smoking puts pressure on those who were willing to try the ban, and this eventually tilted the balance in favor of the anti-ban lobby, they say.*<sup>10</sup>

## Conclusion

Although some of the advocacy strategies for achieving laws’ enforcement resemble those that worked for the adoption of strong laws and regulations, we can see that to assure effective enforcement, we also need advocacy strategies that overcome the special barriers we have discussed, as well as strategies that take advantage of the special forces that support enforcement.

### Enforcing Smoke-Free Policies:

#### Some Lessons from the United States

Advocates in the United States have been fighting for state and local smoke-free air laws for more than 30 years. They have waged thousands of battles and learned some valuable lessons about enforcement along the way. Not all of these lessons are applicable in other countries, but some will sound familiar to advocates everywhere. Here are a few of the best US resources:

**Americans for Non-Smokers’ Rights (ANR):** ANR keeps an up-to-date Web site that includes links to resources on enforcement and implementation.

<http://www.no-smoke.org/goingsmokefree.php?id=113>.

**California Lessons in Clean Indoor Air:** This helpful guide by Elizabeth Emerson captures years of experience from the United States’ first smoke-free state. Don’t miss the useful “enforcement checklist” on page 29.

[http://www.ttac.org/new/pdfs/california\\_air.pdf](http://www.ttac.org/new/pdfs/california_air.pdf).

**“Smoke-Free Law Implementation and Evaluation Resources” from the Tobacco Technical Assistance Consortium (TTAC):** This is an annotated list of resources dealing with enforcement and related issues.

<http://www.ttac.org/resources/laws/Implementation-Resources-List.pdf>.

## Section I. What Do We Want?

In the broadest sense, what we want – our ultimate goal – is a world in which, as European health commissioner Markos Kyprianou said, “smoke-free becomes the norm,”<sup>11</sup> a world that one outspoken US senator vowed many years ago to achieve, where freedom to smoke is “confined to consenting adults within the privacy of their own homes.”<sup>12</sup>

We envision a world in which no one is forced to breathe tobacco smoke anywhere they have the right to be, including everywhere the public is welcome – all health-care facilities, all workplaces, all schools, all transportation facilities, all restaurants and pubs, all theatres, all sports facilities, and all other public places.

To accomplish this goal, we know we must achieve a combination of several key objectives. The most important of these are the following:

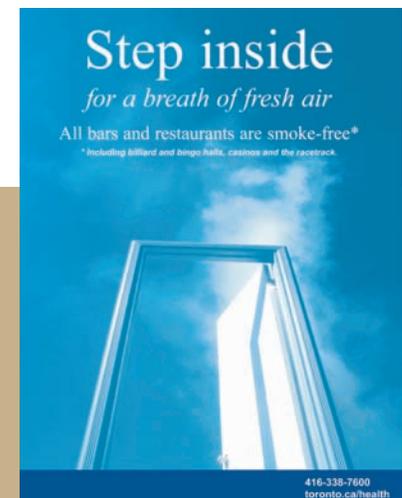
### **Key Objective 1. Enactment of Strong, Comprehensive Smoke-Free Laws and Regulations**

Smoke-free laws and regulations should be written in tight language, free of industry-promoted loopholes. As mentioned previously, our American Cancer Society/UICC *Tobacco Control Strategy Planning Guide #3 – Enacting Strong Smoke-Free Laws: The Advocate’s Guide to Legislative Strategies* provides guidance on advocating for smoke-free legislation.

### **Key Objective 2. Public Awareness and Knowledge of the Law**

To accomplish this objective, we need:

- Clear and widespread public dissemination of information on the content of the rules, fines for violations, means of enforcement, and who is responsible for enforcement
- Widespread knowledge among business owners and operators of fines for violations and evidence that the enforcement authorities are ready to impose them
- Widespread knowledge of the date the rules take effect
- Widespread knowledge among business owners and smokers about where the law forbids smoking
- Creative, attention-getting, informative, persuasive, and widely visible signs and posters that inform the public and businesses about the law and that empower nonsmokers to speak up to demand compliance



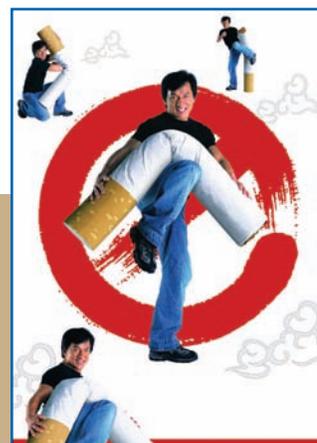
*"Step Inside" Public Awareness Campaign: Toronto Public Health launched a new campaign to increase awareness of the final phase of the No Smoking By-law. Bars, billiards and bingo halls, casinos and the racetrack went smoke-free on June 1, 2004. The "Step Inside" message invites the public to visit Toronto's smoke-free establishments. Newspaper and magazine ads, transit and subway posters, electronic billboards, web site updates, news releases and a variety of activities and events have kept the public fully informed about the by-law. Ads were translated into 17 languages.*

Credit: Toronto Public Health (Toronto, Canada)

### Key Objective 3. Broad Public Support for Strong Smoke-Free Rules

A well-run campaign for the passage of smoke-free laws will have built support for these laws among both those who must enforce them and those who must follow them. This objective is also affected by:

- Public knowledge of and consensus on the dangers of secondhand smoke
- The conditions under which the laws have been developed (either after widely publicized public and parliamentary debate or not), and whether the public therefore views the laws as democratic
- Widespread knowledge among nonsmokers of their right to demand that smokers and establishments comply with the law
- The willingness of members of the public to speak up to violators or to complain to the authorities when smoke-free rules are not enforced
- Strong social support for citizens who speak up to demand that businesses and smokers comply with the law



*A fun take on the no-smoking sign for kids and grown-ups alike: Movie star Jackie Chan partnered with Taiwan's John Tung Foundation to promote smoke-free areas to local youth.*

Credit: John Tung Foundation (Taiwan)

### Key Objective 4. Effective Enforcement Mechanisms and Strategies

These include:

- Dedicated authorities with the power and responsibility to enforce the law
  - Health or environment departments are excellent enforcement agencies; many locales have persons employed specifically to work with businesses to enforce health and safety laws. Often times, the police are not the ideal enforcers of smoke-free laws because they do not normally enforce health and safety laws.
- Serious commitment to vigorous enforcement by the authorities charged with responsibility for it
- Comprehensive, practical, effective enforcement strategies developed by the enforcement authorities with full support of tobacco control advocates
- A simple way (such as a toll-free telephone number) for people to report violations
- The imposition (not just the threat) of serious fines upon violators who have not taken the law seriously and escalating fines for repeat violators
- Belief among those likely to be fined that they will be caught and fined

## Key Objective 5. Creativity and Ingenuity in Enforcement Strategies

Identifying our objectives represents the first big step in advocating for enforcement. But as in all our tobacco control efforts, for the next stages, advocates and enforcement authorities need energy, determination, and creativity. We apply all of these as we develop and implement enforcement strategies specifically targeted at our own countries' unique social and political cultures.

Here are some illustrations of such creativity:

- In Ireland, smoke-free law enforcers set up a special toll-free telephone hotline to encourage citizens to report breaches of smoke-free rules. In the first five weeks, the hotline received more than 1,500 calls.<sup>13</sup>
- In Italy, to ensure that citizens would take their authority seriously, enforcement officials lost no time in snuffing out resistance to a law prohibiting smoking in all bars, restaurants, and offices. In Naples, police fined a young man 27 euros (\$46.75) for lighting up in a bar just a minute after the law took effect at midnight. In the same city, a cafe boss had to pay a fifty-euro fine for failing to display a "Smoking Prohibited" notice.<sup>14</sup>
- In the Philippines, the second anniversary of Davao City's now successful Comprehensive Anti-Smoking Ordinance marked the full implementation of a law that faced strong opposition in the early stages of enforcement. But advocates for enforcement had considerable support in place: an Anti-Smoking Task Force of 18 key persons in government service; a mayor who encouraged city officials and law officers to comply with the law themselves; and cooperative planning of the anti-smoking campaign by local government, NGOs, people's organizations, socio-civic organizations, and the business sector. Private groups and civic organizations donated leaflets, stickers, streamers, and billboards to the city government. The government classified every public establishment as either smoke-free or smoke-regulated. Medical groups conducted lectures on the effect of smoking in schools and workplaces. The result today is a virtually smoke-free environment for the city's more than 1 million people.<sup>15</sup>
- The Ministry of Health in New Zealand created a new category of officials, "smoke-free enforcement officers." Trained to police pubs and bars, they took along video cameras to record violations.<sup>16</sup>
- Scottish officials have placed mobile anti-smoking clinics outside pubs as part of a pledge to increase, by fourfold, spending on anti-smoking projects.<sup>17</sup>
- An example from India shows how other regulations can supplement smoke-free enforcement: The Ministry of Railways prohibited the sale of tobacco products at train stations and in trains, thereby reducing the likelihood of smoking in smoke-free stations and trains in accord with an order by the Supreme Court. (The Supreme Court's decision preceded the announcement of a national law prohibiting smoking in public places as part of the Indian Tobacco Control Act announced in 2003.)<sup>18</sup>
- Hong Kong officials became frustrated with the refusal of Korean airline passengers to obey "No Smoking" signs on flights to Hong Kong. The Hong Kong Culture and Tourism minister sent an official letter to the Korean Association of Travel Agents, which put the letter on its Web site. It read, in part: "Smoking on a plane not only harms the international image of Korea but also requires travelers to be subject to punishments."<sup>19</sup>

## Conclusion

Knowing clearly what we want to achieve, our next step in strategy planning is to ask ourselves, "Who has the power to make it happen?"



## Section II. Who Has the Authority and the Power to Compel Compliance and Respect for Smoke-Free Air Laws?

Before advocates can plan effective campaigns to convince authorities to enforce smoke-free rules, they need to know exactly who has the responsibility and the power to do so. And where several enforcement authorities exist, advocates need to decide which of them are most likely to respond favorably to persuasion or pressure. This decision requires advocates to understand the power and reach of each of these authorities.

### *Government Authorities*

In our advocacy for the passage of laws, we target the government and parliament since they have the power to propose and enact laws. But in advocating for the enforcement of a law, we deal with a different set of government actors – national, state, and local – and who these are may shift from law to law and from country to country. It is essential that we know precisely who has the power to enforce the laws because we need to target our primary advocacy efforts at these officials.

Identifying where enforcement authority lies is important for advocates because every smoke-free law may not designate the same authority to enforce its requirements. Enforcement power could lie with the national health ministry or the justice ministry, state and local public health agencies, or law-enforcement authorities. Further, the law may be unclear or may overlap other laws, so that more than one agency or official may have the power to enforce the rules.

Within the health ministry, enforcement authority may lie in a separate tobacco control agency, with a separate team of inspectors charged solely with smoke-free rules enforcement, or in an agency charged with the enforcement of other public health standards.

### **A Model Health Minister**

#### **Heavy Fines Warning on Smoke Ban**

Shaun Woodward promised today not to shy away from imposing “heavy” fines on pubs or hotels persistently flouting the law over smoking.

In an exclusive interview with the Belfast Telegraph, the Health Minister said he would give publicans, hoteliers and customers an initial chance to adapt to the ban.

And he said: “Be no under no illusions it will be about enforcement. It will be about very heavy fines.”

“I suspect the most effective way of dealing with this is the establishment rather than the individual.”

– *Belfast Telegraph, October 18, 2005*<sup>20</sup>

Within the justice ministry, the enforcement authority might rest with national or local law-enforcement prosecutors.

Besides such countrywide jurisdiction for enforcement, every government authority that operates offices and other government workplaces also has the responsibility – and the power – to impose and enforce smoke-free rules on workplaces under its general control. This responsibility extends from the minister within whose department such offices are located down to every government office manager. These include:

- Managers of government offices and other publicly operated buildings, such as meeting halls, museums, theatres, and sports stadiums
- Public health-care facility administrators
- School administrators
- Public transportation facility managers

Enforcement authority for laws that restrict smoking in specific kinds of institutions and facilities will generally lie with authorities with broad management of those facilities. In Germany, for example, enforcement of smoke-free schools is vested in the 16 state ministries of culture and education.

A country's restaurants are usually subject to the authority of health inspectors whose sole responsibility is policing eating and drinking facilities.

Authority for nonsmoking in public transportation facilities may be vested in both the transportation authorities who manage railroads, bus systems, and so on, and in ministries of transportation that regulate transportation safety.

Many smoke-free laws that antedate the tobacco control movement were enacted to protect public gathering places from fires – theatres, shops, airports, etc. The power to enforce these laws may lie with fire-prevention authorities, as well as with others, such as airport authorities, with broad regulatory jurisdiction over each type of facility.

In some legal systems, courts have the power to order compliance with smoke-free laws, usually in response to prosecutor or citizen complaints but sometimes on their own authority.

To learn about the system in your own country, you need to start by studying your smoke-free law itself. If the law is not clear, we can begin by talking to some of the groups who championed the law through its passage; the law was no doubt passed with some difficulty, so there must be champions who will be keen to see that their effort was not wasted on a law that is not enforced. They will also have worked to achieve regulations that specify exactly who is responsible for enforcement.

### ***Private Authorities and Individuals (Owners, Operators, and Managers of Private Businesses)***

Many private authorities have the power to enforce smoke-free rules in workplaces, private schools, private health-care facilities, private transportation facilities, restaurants, and privately owned and operated public meeting places such as theatres and stadiums. They can enforce the rules either voluntarily or under pressure from government authorities.



*Sign in an Italian café.*

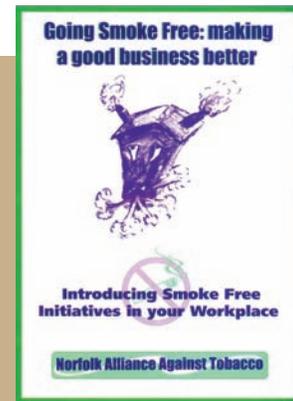
Credit: Barbara Coons (Florence, Italy)

## *Nonsmokers and Smokers*

We must not forget that individual citizens have the power – if not the legal authority – to demand the enforcement of smoke-free laws. Nonsmokers who feel empowered to speak up to business managers and to individual smokers who violate smoke-free rules can have a strong effect on enforcement of those rules.

## **Conclusion**

We can see that many very different enforcement authorities, public and private, have the power to enforce smoke-free rules. Each of these authorities is motivated by different pressures and levels of understanding. There are certain messages advocates need to send to motivate each category of authorities to take action to enforce the rules.



*Signs that familiarize workers with new smoke-free laws create positive momentum for their enforcement. This particular sign promotes smoke free's positive image.*

Credit: Smoke Free Norfolk (Norfolk, UK)



## Section III. What Messages Do Our Target Audiences Need to Hear to Motivate Them to Vigorously Enforce or Comply with Smoke-Free Laws and Regulations?

We need to deliver both core and tailored messages to persuade all who have the power to enforce smoke-free laws to use that power – and to use it to greatest effect – to ensure that designated places are truly smoke free.

Core messages are the fundamental arguments for the laws themselves, as well as for the enforcement of those laws. Examples include “Secondhand smoke sickens and kills,” “Smoke-free laws and rules save lives,” etc.

These core messages are developed in detail in two American Cancer Society/UICC Guides: *Tobacco Control Strategy Planning Guide #3 – Enacting Strong Smoke-Free Laws: The Advocate’s Guide to Legislative Strategies and Strategy Planning Companion Guide #1 – Building Public Awareness About Passive Smoking Hazards.*<sup>21</sup>

In this guide, we focus on tailored messages that address the self-interest and special concerns of particular enforcement authorities. Again, to persuade enforcement officials to act, we will need to use many of the tailored messages to government officials set out in *Tobacco Control Strategy Planning Guides #1 and #3.*

### ***Tailored Messages to Enforcement Officials***

Perhaps the most important difference between the messages designed to persuade governments and legislators to enact laws and those designed to persuade officials charged with responsibility to enforce them is the legal and moral force of the laws themselves. We need to emphatically remind these officials: “It is your legal duty – and therefore, your moral responsibility – to enforce these laws. The government (or parliament) has determined that smoke-free places are vital to the health and well-being of our citizens.”

But we know that this reminder will not be sufficient. Enforcement officials may also need to hear tailored messages like this one: “Strict enforcement will not harm the economy, create job losses, or cause affected businesses to be harmed. Indeed, enforcement may save money for many businesses.”

All our messages to all government officials need to include some version of these facts:

- The public, especially the voting public, wants the law enforced.
- Smokers will accept enforcement of the law.
- Leaders of the government want the law enforced, because enforcement has the public’s support.
- Health and other government ministries or key officials want the law enforced.
- Influential civil society groups want the law enforced.
- Influential media want the law enforced – and they are watching.
- If the law is not enforced, independent investigative journalists and news media may question whether such failure is the result of the corrupt influence on enforcement authorities by tobacco companies and their business allies.
- Neighboring and other countries, states, and cities comparable to ours are successfully enforcing such laws.
- If government officials fail to enforce the law, the courts may order them to.

## *Tailored Messages to Managers of Government and Private Workplaces*

Managers responsible for enforcing smoke-free laws also need to hear that:

- Their nonsmoking workers have the right to smoke-free workplaces and insist upon the enforcement of that right.
- Their smoking workers will not resist the enforcement of smoke-free rules in the workplace.
- If their workers are represented by labor unions, their unions may demand their legal right to a smoke-free workplace.
- Workplace smoking increases costs to employers, decreases worker efficiency, and results in lost days of work due to smoke-caused illness.<sup>22</sup>

## *Tailored Messages to Managers of Hospitals and Other Health Care Facilities*

These managers also need to hear that:

- As health-care providers, they have ethical responsibilities to promote health.
- As health-care authorities, they have ethical responsibilities to serve as models for officials of other institutions.
- Their medical and nursing staffs support the enforcement of smoke-free rules, and deserve to be protected from secondhand smoke.
- Their patients support smoke-free rules and must be protected from secondhand smoke.

## *Tailored Messages to School Authorities*

School officials also need to hear that:

- They have ethical responsibilities to promote children's health and through their own behavior to serve as role models both for health and for respect for the law.
- They have ethical responsibilities to serve as models for other officials and institutions in which children are exposed to secondhand smoke.
- As educational authorities, they have ethical responsibilities to educate others – individuals as well as institutions – that the law states that it is not acceptable to smoke around children.
- Their teaching staffs support the enforcement of smoke-free rules.
- Parents support enforcement of smoke-free rules.
- Secondhand smoke harms children.

*Smoke-free universities and schools provide students with healthy environments in which to study; the knowledge that their faculty are acting in the best interest of student health; and good smoke-free role models.*



Credit: Alliance Contre le Tabac en Ile-de-France (ACTIF)

A tailored message to a school official from the perspective of a student might be: “Please do not let teachers and others smoke. Tobacco smoke damages my lungs and my friends’ lungs.” Children’s letters and drawings directly addressed to school officials can be powerful carriers of such messages.

### *Tailored Messages to Restaurant and Bar Owners and Operators*

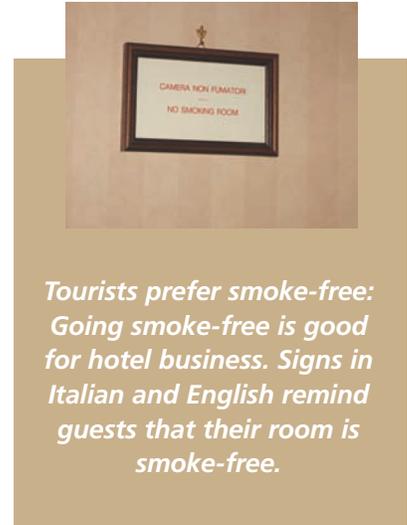
The economic interests of these individuals make them open to hearing messages like these:

- Patrons who are smokers will not stop coming to your place of business if you enforce smoke-free rules.
- Nonsmoking patrons will appreciate having your premises smoke-free.
- Many tourists *prefer* a smoke-free environment.
- Food servers and bartenders will be more productive in a smoke-free environment.
- Your cleaning costs will go down.<sup>23</sup>

The self-interest of small-business and bar owners in Uruguay in 2002 led them to support the enforcement of smoke-free legislation, according to Uruguay-based advocate Eduardo Bianco:

*Since 1996, Uruguay has had a presidential decree prohibiting smoking in public places except where a sign designated a “smoking area.” But neither the Ministry of Public Health nor the general population was aware of the decree, and the movement for tobacco control lacked sufficient force to pressure adherence to it. In fact, until 2001, the country’s principal [sic] organization working to protect nonsmokers from environmental smoke promoted only adequate ventilation and the separation of smokers from nonsmokers.*

*As momentum began to shift toward smoke-free Americas in 2002, some continued to argue for ventilation or separate, hermetically sealed smoking areas. It was the businesses that ruled against this idea: Small businesses and bars felt it would be impossible to designate smoking areas completely sealed off from smoke-free areas. It would cost too much to restructure their buildings in this way. They preferred instead to ban smoking completely.<sup>24</sup>*



Credit: Barbara Coons (Rome, Italy)

## Profits May Rise with a Smoke-Free Law



*No matter what language you say it in, smoke-free meals just taste better.*

Credit: K. Kemper, Honfleur, France

Sometimes prohibiting smoking in restaurants can raise profits. A restaurant owner in Dhaka prohibited smoking in his establishment despite his friends' conviction that he would quickly go out of business. Instead, his restaurant thrived. He gained far more women clients than he otherwise would have, and people left quickly when they finished eating rather than lingering over a cigarette, thus providing table space for other diners. In addition, his wait staff did not have to run out to buy cigarettes for clients, and thus had more time to wait tables. Nobody objected – after all, most people go to restaurants to *eat*, not to smoke.<sup>25</sup>

### *Tailored Messages to Nonsmokers*

Nonsmokers need to hear that:

- The law prohibits smokers from lighting up in smoke-free places.

As citizens, the law and the culture authorize and encourage them to speak up to smokers and business owners and request – even demand – their compliance.

### *Tailored Messages to Smokers*

Smokers need to hear that:

- The law prohibits their smoking in public places.
- Penalties will be imposed on them if they smoke in places designated as smoke-free.
- Nonsmokers expect them to obey the law.
- Nonsmokers and business owners have the right, supported by the law and society, to tell them not to smoke.
- Most people want a smoke-free environment, and more and more resent your smoke in their eyes and nose.



*The Israeli Cancer Association ran a successful public service campaign to encourage the public not to be timid about their rights to smoke-free air. In the "Don't Be Shy" commercials, a man dies a premature death from secondhand smoke. The confused angels who greet him at the gates of heaven cannot understand why he arrives so early, until they find out that he had been afraid to speak up when others smoked in his presence. Messaging to remind people that secondhand smoke sickens and kills is an effective way to build public momentum for smoke-free laws.*

Credit: Israeli Cancer Association (Israel)

## The Importance of Visible Smoke-Free Signs

An important factor in compliance with smoke-free laws is full knowledge that the law forbids smoking, exactly where the law forbids smoking, what the penalties are for violating the law, and that the law will be vigorously enforced.

Perhaps the most effective media for educating and building a long-term climate for smoke-free areas are attention-getting, informative, persuasive, and widely visible signs and posters that forbid smoking and tell smokers forcefully the consequences of violating the law.

Bangladesh-based advocate Debra Efrogmson advises us:

Signs are important; they should be plentiful, large, easily visible, clear, both pictorial and in words, and if possible, state the amount of the fine. Even if the fine is rarely if ever collected, seeing the sum to be paid for smoking illegally is a good motivator. It is also very important to remove ashtrays, as smokers instinctively believe it's acceptable to smoke anywhere an ashtray is present [see "Mystic Ashtrays," p. 46].

In Thailand, when smoking bans were gradually extended, extensive signage was introduced. For instance, in hotel lobbies that serve food, where smoking had been allowed, owners placed signs on each table gently informing guests that smoking was not legal. A couple years after the change, the table signs were just as quietly removed, as people were now aware of the law. Similarly, authorities placed additional signs throughout the airport in places that used to allow smoking.<sup>26</sup>

Consider the following example of a rock band that turns their concerts smoke-free through the use of "No Smoking" signs. This story demonstrates how powerful smoke-free signs can be, even in venues that the tobacco industry has often successfully promoted as synonymous with tobacco consumption, such as clubs, bars, and rock concerts.

The popular English indie rock band Wedding Present grew tired and sick – literally – of singing in smoke-filled clubs. The band's leader, David Gedge, told the *Washington Post*:

We played in Newcastle, and it was really smoky, and it exacerbated the sore throat.... So I figured that at the next gig, in Glasgow, they could put up signs asking people not to smoke. [The promoter] said, "Oh, it will never work," but it did. It really reduced the amount of smoking, and we thought, "This is quite nice." It was a refreshing change.

Now, Gedge reports, as part of their contract, the band insists that venues be smoke-free for their shows. An increasing number of other rock bands are also asking for smoke-free shows.<sup>27</sup>

Throughout this guide are examples of signs and posters. Some are simple "No Smoking" signs that warn smokers not to smoke where they are posted. The bolder and more prominent these signs, the more effective they are. Signs that list the fines applicable for violating smoke-free laws are particularly effective.



Credit: Christine Countryman (Belize)

### Conclusion

Once you have identified the messages that your target audiences need to hear, you need to choose the messengers who can likely deliver them to those audiences most persuasively.



## Section IV. Who Can Most Effectively Deliver These Messages?

We know that the individual or group who delivers our messages to our target audience can be as influential as the messages themselves. We also know that different target audiences often respond best to different messengers – those whom they most respect, seek to please, or fear.

### *Leaders of Government*

To influence lower levels of government officials, we need to remember that the heads of government carry great authority. Powerful and respected – or feared – presidents, prime ministers, governors, and mayors are the most effective conveyors of the message that government officials who fail to enforce smoke-free laws are guilty of violating their legal and moral responsibilities. Such top-down directives also provide political cover for lower-level enforcement authorities, who can be sure that vigorous enforcement actions have support from “above.”

### **A Mayor as Model Messenger**

Makati Mayor Jejomar C. Binay has directed the police and other law enforcement authorities to apprehend persons who smoke in waiting sheds, bus and jeepney terminals, walkways or pedestrian overpasses and underpasses, and other open public areas in the city that are usually crowded.

Binay said smoking in such public places, where persons other than the smoker are unduly exposed to the harmful effects of secondhand cigarette smoke, is prohibited under the Implementing Rules and Regulations of the Tobacco Regulation Act of 2003, or Republic Act 9211.

“The ban on smoking in public spaces is covered by both the Makati ordinance and the national law. This needs to be enforced strictly and consistently,” Binay said.

He urged the public to report incidents of smoking violations to the city government. “Makati is well on its way to being one of the first smoke-free cities, and we would like to acknowledge the support of Makati’s hotel and restaurant owners, and the public as well, including smokers who comply with the law,” he said.

The mayor also reminded administrators not to allow smoking in their buildings except in designated smoking areas approved by the city government, and that there are sanctions for both the smoker and the building owner under the Makati ordinance.

While the ordinance imposes a stiff fine ranging from P1,000 to P3,000 (about \$18-\$54) and imprisonment on the erring smoker, the owner of the building or establishment where the violation is committed will also be liable to the penalty of closure and revocation of business permit or license.<sup>28</sup>

[Note: This law allows smoking in designated indoor areas under certain conditions and is, therefore, not quite a model law. But the mayor’s and other officials’ statements and action in enforcing even a less than perfect law are very much a model of enforcement vigor.]

While health ministers are important messengers, other administration officials may be even more powerful – especially finance and commerce ministers. Given the economic concerns the tobacco industry has stirred up over smoke-free rules, it was particularly important in Ireland, for instance, to hear Finance Minister Brian Cowen welcome the large decrease in cigarette consumption that followed the country’s passage of strong smoke-free legislation. The finance minister announced that the drop in consumption proved that the government’s “brave” decision on the smoke-free legislation was a good public health initiative. Coming from a finance minister, whose primary responsibility is for the economy, this acknowledgment of the primary societal value of health carried great weight.<sup>29</sup>

A less-senior government official with a deep personal commitment to smoke-free law enforcement can sometimes light a fire under authorities charged with enforcement responsibilities. In Brasilia, for example, as Heather Selin, an advocate with the Pan American Health Organization (PAHO), reports:

*Each Brazilian state has a district attorney, who among other powers has the ability to compel the government to enforce laws in response to complaints from the public. The district attorney in the Federal District of Brasilia, Guilherme Fernandes Neto, demanded that the health surveillance department of the health office of Brasilia ANVISA (National Agency for Health Surveillance within the Ministry of Health) officials enforce the federal smoke-free law in restaurants and bars. The federal law states that public places must be smoke-free with the exception of smoking areas that are “adequately isolated” from other common areas. With support from the tobacco industry’s Courtesy of Choice program, many bars and restaurants have established indoor smoking areas. Evidently, Fernandes Neto’s interpretation of “adequately isolated” is somewhat stricter, and that if a bar or restaurant cannot establish a smoking area that is completely isolated from the rest of the premises, the establishment is required to prohibit smoking indoors altogether.*

*Because of Fernandes Neto’s actions, enforcement officers in Brasilia have undertaken a large enforcement operation within bars and restaurants and, I believe, have required many to become smoke-free. Even better, Fernandes Neto has put pressure on other district attorneys to initiate similar action in their respective jurisdictions.<sup>30</sup>*

We can create other opportunities for directly getting the ear of enforcement officials, as the Pan American Health Organization (PAHO) has discovered. PAHO invited the Uruguayan director general for health and two other Uruguayan representatives to observe a pilot smoke-free workshop in Jamaica. At the workshop, representatives from Uruguayan NGOs and cities could discuss issues informally – outside the hierarchy – with the director general. Their smoke-free enforcement efforts were validated as the director general heard from “experts” the same evidence and approaches the advocates had been promoting in Uruguay.

The workshop added momentum to moves underway in Montevideo’s municipal government buildings to strengthen enforcement of current restrictions. As the city government helped pave the way for smoke-free public places, a large national quasi-government health agency became smoke free and initiated a public tobacco control media campaign. In 2005, the Ministry of Public Health, the National Tobacco Control Alliance, and PAHO sponsored a creative media campaign to promote smoke-free environments.

As Selin reports, their persistence paid off: “In September 2005, Uruguayan President Tabaré Vazquez issued a decree requiring, among other tobacco control measures, all workplaces and public places in Uruguay to become smoke free by March 2006! Uruguay will be the first smoke-free country in the Americas.”<sup>31</sup>

## Reliable Opinion Pollsters

Public opinion polls are an effective way to deliver the message to politicians that the public supports strong enforcement. The most effective messengers to deliver that news are professional pollsters. Of course, professional poll takers cost money, so if this is not possible, we can conduct our own surveys. We need to think carefully how to phrase our questions. “Do you think smokers should be heavily fined for smoking in public places?” may, for instance, get less support than the question “Do you think our law protecting children and other nonsmokers from smoke in public places should be properly enforced?” While the first question focuses on punishing the smoker, the second fixes on enforcing an existing law. Stronger still may be questions that also focus on the rights of children and other nonsmokers to be protected from smoke.

## Doctors

In many societies, well-known physicians and medical societies carry the weight of great cultural authority and also have ready access to the media.<sup>32</sup>

Cardiologist Eduardo Bianco has used his position as a respected doctor to help Uruguay become the first smoke-free country in Latin America. His legitimacy as a doctor helped persuade key government officials to support and enforce the legislation.



*For children, parents and family members are the most important role models for smoke-free lifestyles. This campaign by the John Tung Foundation promotes smoke-free homes to Taiwanese students. Protecting children's health from secondhand smoke at home teaches them to appreciate and expect smoke-free air. Five major real-estate companies joined this campaign, and signs indicating "smoke-free family" are posted in their offices. The John Tung Foundation has made these posters available to place on the door of one's house.*

Credit: John Tung Foundation (Taiwan)

persistent. They will not go away or turn their focus to other issues but will keep track of the failures of those charged with enforcement, and will be back at them time and time again if they don't perform.

## Scientists

Highly respected scientists and other experts who weigh in with research results on the side of enforcement can ratchet up the pressure on the responsible authorities.

For example, in an article in Ireland's *Irish Examiner*:

Prof Clancy [director general of the Research Institute for a Tobacco-Free Society] said tests were being run to measure the reduction in harmful chemicals in the air as a result of the smoking ban. He said research indicated the level of smoking at home had decreased as a result of the ban and said the number of cases of asthma attacks, chronic bronchitis, angina and heart attacks were also being assessed.<sup>33</sup>

## Tobacco Control Advocates and Advocacy Organizations

Organizations and individuals that concentrate persistently and energetically on tobacco control advocacy can be among the most powerful messengers for enforcement. Their influence comes in part from the targets of messages themselves, enforcement officials or private owners and managers who soon learn that tobacco control advocates are profoundly

When advocacy groups include leading citizens, prominent physicians and scientists, economists, and other nationally respected experts and authorities, they have great impact because of these individuals' expertise and moral authority, and because they have greater access to the media. Nofumadores in Spain, for example, is a nationally registered NGO dedicated to defending nonsmokers' rights. It speaks for a national alliance of prominent citizens, including doctors, economists, publishers, and university professors.

A key factor in Uruguay's smoke-free declaration was the Uruguay Medical Union's support of the country's first nonsmokers' rights association, Fumadores Pasivos Uruguayos (Uruguayan Passive Smokers), as advocate Eduardo Bianco reports:

*Over the years, many people from public organizations had demonstrated their concern for the lack of respect for their right to work in an environment uncontaminated by tobacco smoke. They unsuccessfully demanded enforcement of legislation, as well as applicable internal resolutions. Even organizations involved in the anti-tobacco fight did not heed their claims.*

*The Uruguay Medical Union did listen to the demands, however, and prompted these people to create an NGO to defend their rights. In this manner, the Asociación Civil Fumadores Pasivos del Uruguay (Civil Association of Passive Smokers of Uruguay) was founded and acquired legal status in 2004, signaling to the community via the media that the anti-tobacco message comes from ordinary citizens and not from the health sector.*

*The NGO quickly accumulated public notoriety. The support of the Uruguay Medical Union and the creation of a civil society network for tobacco control, Red por un Uruguay Libre de Tabaco (Network for a Tobacco-free Uruguay) at the end of 2004 served to endorse the NGO and consolidate the civil society movement linked to tobacco control.<sup>34</sup>*

## **Workers and Labor Unions**

Employees of institutions and businesses, labor unions backed by the force of numbers, and workers in any public space can be powerful voices for enforcement, as this *Irish Independent* coverage shows:

*A bar workers trade union yesterday claimed new industry figures proved allegations that the pub trade would be devastated by the smoking ban were unfounded. The Mandate union, which represents thousands of staff [in Irish Pubs], said the Central Statistics Office (CSO) data disproved claims made by the vintners' organizations. A BAR workers' trade union yesterday claimed new industry figures proved allegations that the pub trade would be devastated by the smoking ban were unfounded.<sup>35</sup>*

## **Employers**

Employers can send a powerful message to their employees, both by emphasizing the seriousness of the law and by acting directly to prohibit employees from smoking on the premises. Particularly in countries where employees tend to spend years in one job and have close relationships with their employer, employers can strongly influence people's opinions about smoking. In all cases, employers who prohibit smoking in the workplace have a strong direct effect on their employees' behavior, as well as their attitudes.

It is important to remind employers that by prohibiting smoking in the workplace, they not only protect nonsmokers, but also encourage smokers to quit and thus greatly improve their health, productivity, and life expectancy – and reduce costs to themselves, as an article in Paris's *L'Express* reports:

“Employers’ awareness has come late but it’s strong,” argues Dr. Patrick Légeron, director of Stimulus [a stress-management consultant group in Paris]. “When they get involved, they do it to maintain the health of their employees but also out of fear of lawsuits or because of their economic interests.” An employee who smokes costs nearly 1,000 Euros more per year than a nonsmoker, because of cleaning costs and a twice-as-high absenteeism rate.<sup>36</sup>



*Signs in front of Spain’s workplaces let people know that they are entering a smoke-free building and that they should deposit their cigarettes in the ashtray outside. Utilizing images of clear blue skies, butterflies, and daisies, the sign’s message that smoke-free laws are improving the lives of workers is clear and compelling.*

Credit: Estar Gómez (Madrid, Spain)

### ***Individual Tobacco Control Advocates***

Individual activists, if both skillful and persistent, can, on their own, prod public or private authorities to enforce the law.

## A Model Tobacco Control Enforcement Advocate

Dr. Mira Aghi, one of India's many fine advocates, illustrates the value of individual action and persistence. Dr. Aghi learned that the theatre operated by the Indian Habitat Center was performing a play in which the actors smoked heavily both cigarettes and cigars. Leveraging her membership in the Indian Coalition for Tobacco Control, she immediately wrote to the director of the center, warning him, in part:

This is totally unacceptable considering that there is a Supreme Court ban on Smoking in Public Places. Not only that, what is ironic is that the ticket for the play that the theater issued mentions No Smoking as one of the conditions. (I am attaching the ticket for your ready reference.) Considering that IHC is a place of great repute and hopefully a responsible one, this behavior seems out of place.

The director replied – but not very satisfactorily – that:

I appreciate your concerns on the issue.... In the context of the play, however, it would not have been appropriate to disrupt the sequence at the moment. Furthermore, it was not being positioned as an encouragement to the use of tobacco but was a part of an ordinary existence in an ordinary life and nor was it a statement of a life style.

But Dr. Aghi was not to be put off. She wrote to him again:

I appreciate your writing back and explaining. The smoking was done as a part of the play, I understand but that is exactly the point.... In a closed room (auditorium) if 3–4 cigs are smoked in one hour, the entire audience inhales it as well.... May I suggest that the conditions for any group to perform at IHC should include “No Smoking” in the contract itself, which will assure your respect for the Supreme Court Verdict, which indeed you have.

I hope my writing to you in this fashion is not construed by you as rhetoric. The number of people who suffer due to secondhand smoke cannot be taken lightly. Thank you for understanding.

This time, her persistence succeeded. The director sent her an e-mail message, promising:

I have taken note of your suggestions and will have these incorporated in our conditions. Thank you for your understanding.<sup>37</sup>

### *Industry Insiders*

Nothing gets the attention of the media – and of our target audiences – more readily than unexpected support for smoke-free rules from those who once vigorously opposed them. So the Irish publication *Unison* reported:

*The man responsible for disclosing some of the tobacco industry's darkest secrets has praised Ireland's smoking ban. Jeffrey Wigans [sic] [a former senior scientist for the RJ Reynolds Tobacco Company], who was dubbed the “ultimate insider,” is in Dublin to launch a new study “Clearing the Air.” It will coincide with the first anniversary of [the] ban on March 29th. It gives an in-depth account of one of Ireland's most historical events.*<sup>38</sup>

## *Media Owners and Managers*

Heads of media outlets are powerful behind-the-scenes messengers for our target audiences. (Section V deals in depth with the key role of the media in delivering our messages.) When a leading physician speaks out to demand enforcement, for instance, and a newspaper gives her statement broad front-page coverage, politicians know that there are two messengers delivering the message – the physician herself and the newspaper publisher. The same is true when a paper regularly publishes similar views by columnists and gives space to press releases, signed articles by tobacco control advocates, or even supportive letters.

Politicians and nervous civil servants fear the anger of an aroused media. When the media are known to be hostile to smoke-free laws or simply uninterested in them, enforcement officials rarely feel pressured to act. Media owners can signify their support for enforcing smoke-free rules either directly, through editorial comment, or indirectly, by giving pro-enforcement stories prominent space – articles by other messengers who speak out for enforcement, and articles that highlight the strong medical evidence of the dangers of secondhand smoke and the weakness of industry arguments against smoke-free legislation.

Such editorial support – as with most support for tobacco control – doesn't always just happen. We can *make* it happen by maintaining communication with editors and reporters on the importance of highlighting the issue. Further, the passage of laws that prohibit tobacco advertising removes one of the main hurdles we otherwise face in getting newspaper coverage – the reluctance of newspaper editors and owners to run articles that will anger some of their biggest advertisers, the tobacco companies. Once tobacco ads disappear from our newspapers, we should seize the opportunity to increase press coverage.

In Bangladesh, a leading daily that for years has had a policy of refusing to accept tobacco ads ran a front-page color ad the day after that country's tobacco control law was passed. The ad emphasized that the newspaper had never accepted such advertising, and suggested that other papers follow suit; it also highlighted the prohibition on smoking in public places. While other newspapers put a less positive slant on the story, many did give front-page coverage to the law's passage and main contents – perhaps in part because they did not have to worry about losing advertising from tobacco companies, now that such advertising was prohibited.<sup>39</sup>

## **Conclusion**

We know what smoke-free enforcement actions we want. We know our target audience – those who have the authority and power to make enforcement happen. We know what messages they need to hear to motivate them to take action. And we know the most effective messengers to deliver those messages.

But perhaps the greatest challenge for advocates lies in making sure our target audiences hear the messages they need to hear. How can we make this happen? And how do we make certain that the messengers deliver the messages effectively to those who need to hear them?



## Section V. How Do We Get Our Target Audiences to Hear Our Messages?

As we learned from American Cancer Society/UICC *Tobacco Control Strategy Planning Guide #1 – Strategy Planning for Tobacco Control Advocacy*, advocates most often employ two very different broad strategies for communicating advocacy messages.<sup>40</sup> The first – lobbying, or direct communication – takes in all the ways we use to deliver our messages directly to our target audiences, including person-to-person visits by highly influential messengers, as well as letters, phone calls, petitions, workshops, and so on.

Another strategy – sending messages to decision makers indirectly through mass communications media – is called media advocacy. (For general guidance on both tobacco control lobbying and media advocacy, see *Strategy Planning Guide #1 and Strategy Planning Guide #3*.<sup>41</sup>)

### Lobbying: Direct Advocacy for Enforcing Smoke-Free Laws

#### *Meeting in Person with Enforcement Officials*

When we are fortunate enough to have our messages delivered in person by individuals who have the ear of the key authorities, the medium is a visit and a conversation, one version of lobbying. Many of the effective messengers described in Section IV can put our messages in the right ears through a simple arranged visit.

Enforcement officials, unlike parliamentarians and their local equivalents, are not generally accustomed to visits from citizens who want to see laws enforced. They may well be open to such visits and even welcome them. In-person lobbying by advocates themselves can make a significant impact on enforcement policies.

In the state of Bihar, India, for example, Dr. Dharendra Narain Sinha organized a project in which two volunteers contacted 180 government offices and Nationalized banks by letter and in person to persuade office managers to enforce smoke-free rules. Most of them knew about the policy (97.2%) but they had no idea how to implement this policy (77.2%). Dr. Sinha reports:

*The most responsive 60 offices were identified on the criteria that they contacted our office either by telephone or in person for further collaboration. The volunteers provided each office 10 copies of No Smoking signs, awareness lectures, and other resource materials. Some of the office authorities wanted a meeting and discussion on the logistics of long-term implementation. Some of them wanted some teaching materials and more copies of the No Smoking sign. In 24 offices, staff members were designated as volunteers and team leaders to drive this program further by establishing ownership and to propagate these issues in some related institution (N=24). Both volunteers followed all these 24 offices weekly and investigated in person.*

*The volunteers also monitored the placement of No Smoking signs and evidence of cigarette or bidi butts inside the campus. They then sought follow-up meetings with key individuals and conducted focus-group discussions on enforcement.*

And they got results. Among them, Dr. Sinha reports: A government office with 100 employees “invited us to give a lecture on the health effects of secondhand smoke on office workers. The expense and other logistics were borne by them (ownership of program).” No Smoking signs went up “everywhere in the office to remind the office workers and incoming guests that all the places within the campus were smoke-free. Health volunteers have reported to us that two of the office workers now go outside of the campus to smoke. And those three regular smokers have given up their smoking.”<sup>42</sup>

We can create other opportunities for directly getting the ear of enforcement officials, as the SmokeFree Europe Partnership has discovered. The advocacy group is “educating” the health and finance ministers of key European countries by traveling with them to Ireland to inspect firsthand the successful impact of smoke-free legislation.

On the South American continent, advocate Paula Johns and her colleagues working out of Belo Horizonte, Brazil, offered seminars in all Brazilian regions for local enforcement of smoke-free legislation. Johns explains that advocates developed “City Council information packets and press kits” that contained data from a recent citywide poll on enforcement, as well as Portuguese translations of key smoke-free publications.<sup>43</sup>

In Vietnam, PATH Canada conveyed the message directly to hospital directors by conducting a series of workshops on making hospitals smoke-free. High public acceptance of smoking in Vietnam had made it difficult to prohibit smoking in hospitals, and government policy mandating smoke-free hospitals remained unenforced for years. At the workshops, the hospital directors signed a declaration that they would make their hospital smoke free, and learned how to deal with the issues that might arise from the prohibition of smoking.<sup>44</sup>

Taking a different approach, Monika Arora and Professor K. Srinath Reddy report on the advantages of tapping into the energy of young smoke-free enthusiasts. Advocates trained young people around India to educate the public and “related stakeholders” about the smoke-free legislation:

*Youth activists from a hundred schools in Delhi and nine other cities in India undertook to distribute rules specifying that restaurants are public places and as per law need to be smoke free if seating capacity is less than thirty seats and to compulsorily have a nonsmoking area, if seating is more than thirty. The youth activists were trained for requisite advocacy skills to effectively disseminate this information among the managers of restaurants.*

*They requested the managers and restaurant owners to display boards clearly demarcating nonsmoking areas in their restaurants. Most of the owners and restaurant owners were thankful to these youth activists and promised to comply with the guidelines suggested in the act. Some restaurant owners even displayed the copy of rules that these activists provided to them.*<sup>45</sup>

### ***Lobbying Businesses Directly***

In Thailand, advocate Steve Hamann points to Khun Prakit as an example of how individual advocates can sometimes deliver enforcement messages on the spot, when they may be most effective. When Prakit, a leading Thai tobacco control advocate, visits a restaurant in Thailand, he asks the waiter if he can smoke. Usually the waiter points to the many signs around the restaurant indicating that smoking is illegal and subject to a fine. But if a waiter says go ahead and smoke, Prakit points to the visible no smoking signs and reminds the waiter that he must support the restaurant’s smoke-free environment.<sup>46</sup>

## *Letters, Petitions, Phone Calls, Faxes, E-Mails*

We are not always so fortunate as to have messengers with face-to-face access to key authorities. But we have many other effective ways to communicate our messages directly.

Here's an example: When "the vast majority" of Scottish citizens wrote in support of smoke-free legislation, the Scottish government paid close attention. As the national newspaper *The Scotsman* reported: "The sheer number of responses, and the weight in favour of a ban, have persuaded ministers to adopt a smoking ban as Executive policy."<sup>47</sup>

And in Australia, responding to the widespread belief among government officials that no one cared enough about pub smoking to make it politically compelling, the Cancer Council amassed 26,000 names of citizens who had flooded local parliamentary members' offices with cards and letters that supported a law prohibiting smoking in pubs.<sup>48</sup>

In Vietnam, PATH Canada printed and distributed attractive postcards with messages about the dangers of secondhand smoking and the names and addresses of fully or partly smoke-free restaurants. PATH Canada also gave the restaurants No Smoking signs to display and ran ads in local newspapers promoting the smoke-free restaurants. The restaurant owners were delighted at the free publicity, and the general public discovered alternatives to the country's many smoke-filled restaurants.<sup>49</sup>

## *Leading by Example*

Government leaders who are serious about smoke-free enforcement can be persuaded to send an unspoken message to subordinate offices by setting an example in their own offices.

The Italian parliament did just this by declaring its offices smoke-free, despite cries of outrage from at least one cabinet member. The action received great media attention and was taken as an important sign of the government's commitment to enforcing smoke-free rules.<sup>50</sup>

And in Bulgaria, in the face of widespread resistance to smoke-free workplace rules, the president and other government authorities served as models by prohibiting smoking in their offices. A government spokesperson announced that, to set an example, Prime Minister Simeon Saxe-Coburg had stopped smoking in his own office, "where he does not even bother anyone."<sup>51</sup>

In Buenos Aires, when the support of the City Public Defender Office was requested to enforce the current legislation applicable to restaurants, the authorities asked for advice and support to have the Public Defender Office itself become tobacco-free. That office was pronounced tobacco-free as of September 2004.<sup>52</sup>



*"No more sheep." This cartoon was used in campaigns to encourage bus passengers to speak up and help enforce the official ruling that buses be smoke free. The theme was that passengers should not be sheep and accept tobacco smoke pollution without protest.*

Credit: Alcohol & Drug Information Center (Sri Lanka)

## ***Funding and Free Materials***

A messenger for smoke-free enforcement who can provide needed funding and materials to the target authority will find more willing listeners.

In New Delhi, India, Dr. Mira Aghi offered to supply No Smoking signs and workshops to educate workers not only on the hazards of workplace smoke but also on the requirements of smoke-free regulations.<sup>53</sup>

In Sri Lanka, advocacy groups designed signs and then persuaded bus crews to post them in buses to inform passengers of their right to a smoke-free environment and to motivate them to speak up and challenge smoking violators.<sup>54</sup>

A University of Hawai'i (UH) campus advocacy organization, the UH Community Partnership for Health and Fresh Air (CPHFA), attracted funding support from the state's Department of Health for an award-winning public relations campaign to implement a revised campus policy that CPHFA successfully lobbied for. As Professor Mark Levin observes:

*The Department of Health gladly funded a campaign to help the University go smoke-free. Because the University is the largest educational institution and one of the largest employers in the state, DOH understood the potential public health impact from the strong policy revision. Meanwhile, the UH happily saved costs. Moral: Funding may be available outside your target organization that will make it easier for decision makers to go with your plan.*<sup>55</sup>

In Dhaka, Bangladesh, a local NGO reprinted 25,000 copies of the government publication containing the newly passed tobacco control law, to distribute to government agencies and others. The black-and-white printing of the small gazette was quite inexpensive and filled an important gap, as otherwise government officials and others would not have had a copy of the law for months.<sup>56</sup>

## **Media Advocacy: Indirect Advocacy for Enforcing Smoke-Free Laws**

As we have seen, the mass media serve two very distinct and important roles: as powerful messengers themselves (Section IV), and as powerful deliverers of others' messages to their target audiences.

### ***Press Conferences***

A well-developed technique for gaining media attention, a press conference allows us to frame the story in ways that point to our objectives. Press conferences thus have an advantage over media advocacy techniques that depend on journalists to frame the story.

In Romania, for example, the advocacy group Aer Pur Romania, with the support of the Ministry of Health and Family and Romanian Television TVR2, convened a joint press conference to celebrate the first National No-Tobacco Day. The focus: the reasons for and the importance of smoke-free public places. The Romanian minister of health and family opened the event, which drew more than 35 mass-media representatives.<sup>57</sup>

Calling a press conference like this one to announce a forthcoming event – a citywide Smoke-Free Day, a Smoke-Free Workplace Day, and so on – brings a bonus: It not only generates public interest in participating in the event but also offers later media advocacy opportunities by alerting the media to cover the event itself.

## Public Opinion Polls

*Tobacco Control Strategy Planning Guide #3* contains good examples of public opinion polls that support the imposition of smoke-free laws.<sup>58</sup> These polls can also be useful in supporting the strict enforcement of existing smoke-free laws. After all, if people support the enactment of a law, that is strong evidence that they expect it to be enforced.

In Uruguay, for example, opinion polls were conducted to gauge sentiment before a smoke-free law was enacted, reports advocate Eduardo Bianco:

*Shopping centers consulted with the Ministry of Public Health, evaluating the value of constructing smoking areas removed from central areas. They had already conducted a two-month opinion poll in the three main malls of Montevideo, interviewing 5,000 customers. Out of the one-third of total participants that declared themselves smokers, 11% said that they would stop coming if smoking was prohibited. Given that this represents only 3.6% of total clients, the shopping centers' owners decided to not put any smoking areas in the mall interior.*<sup>59</sup>

Even better are polls that show wide public support after smoke-free laws are in place.

In New Zealand, a UMR Research survey found that public support for a complete prohibition on smoking in pubs and bars rose by 13 points in the six months following the passage of the law, to nearly 70 percent. Support from smokers increased to 42 percent.<sup>60</sup> These statistics were quoted in numerous articles and, according to an Agence France Presse article, confirmed that “Before bars went smokefree.... people weren’t quite sure what to expect. But now it is clear to everyone that smokefree bars are no big deal.”<sup>61, 62</sup>



*Guests at Italian hotels enjoy non-smoking floors.*

Credit: Barbara Coons (Florence, Italy)

## A Model Media Story on a Model Opinion Poll

### 80% of smokers 'support ban'

The vast majority of smokers believe the smoking ban was a good idea, a survey showed today.

Twelve months since the smoke-free law began, 80% of smokers think it was the right thing to do.

Research marking the first anniversary of the ban found 96% of people believed the law was successful, including 89% of smokers.

The TNS/MRBI survey found 98% of people felt workplaces were healthier since the ban started, including 94% of smokers.

Sean Power, junior health minister, said the Irish experience should be a signal to the rest of the world of what can be achieved.

“The Irish public’s overwhelming acceptance of this historic public health measure sends a very clear message to legislators around the world who are considering the introduction of similar smoke-free workplace legislation,” he said.

“Not alone is it very possible to implement such legislation but citizens fundamentally accept its validity and necessity in order to protect their health.”

The research showed compliance levels with the ban were high across all sectors, with a 93% compliance in hotels, 99% in restaurants and 90% in licensed premises.

And the minister said the figures were testament to the effective policing and enforcement of the ban.

In a One Year Review report due to be published by the Office of Tobacco Control tomorrow, inspection data from the National Tobacco Control Inspection Programme shows in the first nine months since [sic] of the ban, 94% of premises inspected were compliant with the law.

A total of 34,957 inspections/compliance checks were conducted up until the end of December last year.

The Health and Safety Authority are also due to announce an average 92% compliance rate from 7,500 inspections into the smoke-free workplace legislation.

Jim Lyons, Health and Safety Authority chairman, said the first nine months of the smoke-free law were a resounding success.

“With average compliance levels increasing steadily from 90% at the end of May, to 91% at the end September, and nearly 92% at year end, employers have responded extremely well in building compliance and they have shown a great willingness to achieve smoke-free workplaces,” he said.

“We are seeing very high levels of co-operation on our inspections, which reflects the goodwill and positive approach that employers and employees have taken to this important health measure.”

Research over the last year for the OTC found in June 2004, that 89% of the public felt that the law had been a success and in August 82% of the public supported the law and 95% of the public agreed it was a positive health measure.

Dr Michael Boland, OTC chairman, said while the success rates were high a smoke-free society was the real aim.

“Effectively, we’ve seen an 11% rise in support for the measure since August 2004 and almost 100% of people accept the main reason for the introduction of the legislation which was to allow people to work and socialise in healthy, clean, smoke-free environments,” he said.

“This law has undoubtedly contributed to a healthier society, however with almost a quarter of our population addicted to nicotine much remains to be done to achieve a tobacco-free society in Ireland.”

– *Irish Examiner, March 28, 2005*<sup>63</sup>

## **Reports and studies**

Journalists and their editors commonly treat the publication of reports and studies as news. Advocates for the enforcement of smoke-free rules have used this opportunity skillfully.

From Ireland, on December 10, 2004, an online news Web site carried the results of a government report on the progress of compliance with the countrywide law prohibiting workplace smoking:

*New figures from the Office of Tobacco Control have highlighted a slight slippage in the level of compliance with the workplace smoking ban in recent months. In a report published today, the office said the level of compliance with the ban in September was 94%, compared to 97% in April, the month after the measure was introduced. The OTC said the lower rate of compliance in September was a result of the fact that inspectors were concentrating on premises that were known to have breached the ban. Elsewhere, today’s report said a total of 11 premises had been prosecuted for breaching the smoking ban, while almost 1,500 complaints had been received by a special hotline set up to allow the public to report breaches.*<sup>64</sup>

And from India, Monika Arora writes of the strategy behind the issuance of a widely publicized national report on tobacco and tobacco control:

*The Ministry of Health and Family Welfare, Government of India, initiated a project to develop and publish a comprehensive report, “Tobacco Control in India.” This report was edited by Professor K. Srinath Reddy and Dr. Prakash C. Gupta, and forty-one Indian authors who have expertise in the area of tobacco control authored this report. Its intent was to compile all existing data on tobacco use, problems related to tobacco use in India, and contemporary tobacco control measures and to propose an action plan for comprehensive tobacco control in India. The report was developed to sensitize members of civil society, policy makers, parliamentarians, scientific and public health professionals, researchers, and the general public. The report is an outcome of collective inputs of these Indian experts, and concludes with a set of recommendations for various stakeholders to effectively **enforce** different components of tobacco control in India.*

The release of this report, Arora reports, triggered impressive media attention and rave reviews. Its release when the political winds favored anti-tobacco initiatives guaranteed media interest. It was the first comprehensive report on tobacco and tobacco control in India, a one-stop information shop for the media and the public, and the first produced by a cooperating group of government and WHO officials, national scientists, NGO personnel, and international experts.

Print and visual media in every affected field – economics, health, advertising, environment, and law – spread the word, and most media discussions that relate to any aspect of tobacco control in India continue to cite the report.<sup>65</sup>

## *Newsworthy Events*

No other events have proved more useful in focusing favorable media attention on the need for smoke-free enforcement than well-publicized World No-Tobacco Day events.

Such events can generate great publicity. In Romania, for example, with the support of Romanian National TV, tobacco control advocates both outside and within the government persuaded Bucharest city officials to declare the center city a smoke-free zone in celebration of the first Romanian National No-Tobacco Day. The event drew considerable public and media attention, partly as the result of a dramatic visual message: the release of a cloud of black, helium-filled balloons, each representing a nonsmoking Romanian citizen who will die each year from secondhand smoke.<sup>66</sup>

And in Bangladesh, advocates held a colorful demonstration to celebrate the passage of their tobacco control law, complete with balloons, banners, and face paint. Photo journalists loved the face paint (No Smoking signs and a Bangladeshi flag), and the demonstration made big news.<sup>67</sup>

Other scheduled events that can serve as news pegs for focused stories include anniversaries of significant smoke-free legislation or accomplishments. For example, on the first anniversary of Ireland's smoke-free workplace law, advocates and public health officials held a celebration at the Department of Health and Children hosted by the minister of state. The event included a research seminar on the beneficial health impacts of smoke-free workplaces in Ireland, chaired by the director general of the Research Institute for a Tobacco-Free Society. This was a case in which both the announcement of the event and the event itself drew broad media coverage.<sup>68</sup>

## *Investigations*

Investigations make news. They excite controversy and alert the media and the public to problems that need attention. So Belgium's federal agency for the food industry put public pressure on the Belgian health minister by publicizing a report on noncompliance with smoke-free rules. One press report read:

*Belgium's cafes, hotels and restaurants are regularly flouting anti-smoking laws, inspections have revealed. According to the federal agency for the food industry, 43 percent of 6,116 premises inspected last year were breaking the rules. Public health minister Rudy Demotte has pledged more inspections as a result.*<sup>69</sup>

Whether by press conference, through a well-written press release, or by working behind the scenes with journalists, civil society groups can gain strong media coverage for enforcing tobacco-related regulations by stimulating investigative reports. As Hungarian tobacco control leader and strategist Tibor Szilágyi observes:

*In Hungary, the Smokebusters' Foundation has taken up the responsibility to monitor the implementation of smoke-free provisions of the anti-smoking act. For example, a number of newspaper articles based upon evidence developed by the Foundation revealed the insufficient compliance of government agencies – including the Ministry of Foreign Affairs and institutions of the National Public Health and Medical Officer Service (NPHMOS) – with provisions requiring the design of smoke-free areas and bans of smoking inside buildings.*

*At the Foundation's suggestion, one journalist found and reported on employees smoking everywhere in the buildings of these institutions.*

## **Litigation**

Using the legal system and the courts to press for enforcement can reap double benefits for advocates. First, in some legal systems, such as India's, consumer and other courts can issue direct orders – injunctions – that require the responsible officials to enforce the law. Second, the very bringing of such legal actions is newsworthy and in itself highly useful for calling public attention to failures in enforcement.

In Cape Town, South Africa, for example, the *Cape Times* reported on June 10, 2005, a prison official took the Department of Correction Services and its minister to the Cape Town Labour Court for failing to enforce the law prohibiting smoking in public and workplaces, claiming that her rights as a nonsmoker were being infringed. As a result, the department and the minister agreed to settle the dispute and promised to take the necessary steps to ensure that the prison, prison management, staff, and “any persons under their control and supervision” complied with the law. The next year the prison official again took the department to court, arguing that the department was not complying with the court-ordered agreement – and again put pressure on prison officials to enforce the law.

In India, the pioneering legal advocacy group CERC (Consumer Education and Research Centre), led by law professor Manubhai Shah, is on the alert for failures in enforcement. Professor Shah promises:

*If and when any one or more advocates come to know of violation of provisions of the [national tobacco control law] through smoking at public places that adversely affects nonsmokers – that is, “passive smokers” – we are willing to take responsibility for filing PIL [public interest litigation] before the Consumer Court and/or High Court to ensure that interim injunction is granted against those who are violating the provisions of the act and see that they make effective arrangement and they do not directly or indirectly violate the provisions of the act.*<sup>70</sup>

Individual workers have enjoyed increasing success in asking judicial courts to award them damages for exposure to smoking in the workplace – even without legislation – in Australia, New Zealand, and Canada.

Their actions reflect the expanding role the courts play today in forcing employers to protect their workers. In Guernsey, England, for example, the *Guernsey Press and Star* in March 2005 summarized the words of employment-law expert Louise Hall:

*The courts could well become increasingly creative, not relying just on health and safety at work legislation to impose liability on employers. They could also accept grounds of intentional interference with the person, public nuisance through pollution, and private nuisance, for example, by smoke infiltrating a private space from an adjoining common area.*<sup>71</sup>

## **Public Praise and Awards**

Praising authorities for smoke-free compliance, as well as taking them to task for noncompliance, can make news. At the same time, awards to authorities for their efforts to prevent smoking in public places can reinforce their determination to continue strict enforcement.

For example, in March 2005, the *Times of Malta* proudly reported:

*EU Health Commissioner Markos Kyprianou praised Malta's anti-smoking regulations during the launch of an unprecedented EU-wide anti-smoking campaign in Brussels yesterday. The Commissioner said that all EU countries should follow Malta's lead and ban smoking in public places.*<sup>72</sup>

The giving and publicizing of awards also represents effective and newsworthy action international organizations can take to support smoke-free enforcement. An example is an American Lung Association award that made news in Ireland in June 2005:

*The American Lung Association has presented the Taoiseach Bertie Ahern with an award to mark Ireland's workplace smoking ban. The Prime Minister stated after receiving the award that the ban would have long-term health benefits for bar workers and customers who are no longer forced to inhale second-hand smoke.*<sup>73</sup>

Another example is the case of Uruguay, which became the first smoke-free country in Latin America on March 1, 2006. To celebrate the occasion, the President of Uruguay, Dr. Tabaré Vazquez, launched a campaign called “Un Millon de Gracias” (“A Million Thanks”). The purpose of the campaign was to collect one million signatures of people wishing to thank the people of Uruguay for respecting the new law and not smoking indoors. The campaign was organized by the National Alliance for Tobacco Control of Uruguay in conjunction with the Ministry of Public Health and the Network for a Tobacco-free Uruguay (RULTA). Signatures were collected by paper, by telephone, and via a Web site created especially for the occasion.<sup>74</sup>

### ***Creative Advocacy Models***

Just as Section I remarks on the advantages of creativity on the part of authorities in developing effective enforcement tactics, this section celebrates similar creativity from advocates. For example:

- **Virtual organizing:** A new anti-smoking association has taken root in Spain via the Internet – Nofumadores.org, a nationally registered NGO, defends nonsmokers’ rights. The initiative came from a group of professionals around the country (including doctors, economists, publishers, and university professors), who decided to use the virtual medium to share their experiences and concerns – and to mobilize pressure on officials via the Internet.<sup>75</sup>
- Immediately following passage of their law in March 2005, Bangladeshi tobacco control advocates and the government made sure to inform media houses of the law’s content. This followed years of close collaboration with the media on tobacco control issues, so that print and electronic journalists were primed to highlight the issue. As soon as the law was passed, it made news on TV, radio, and the front page of newspapers, with journalists explaining in particular the law prohibiting smoking in public places – and the 50-taka fine. Within a few days, nonsmokers simply had to point to smokers and say, “50 taka” for the smokers to understand – and put out their cigarettes.<sup>76</sup>
- In the city of Olavarría, Brazil, 150 students from ten primary schools were convened for training in leadership methods and tools for defending civic rights. As a part of their training, they carried out community activities, such as declaring two science fairs, one rural exhibit, and one movie exhibit tobacco-free. They visited all-enclosed spaces, inviting smokers to put out their cigarettes or go outside the installations if they wanted to continue to smoke.<sup>77</sup>



*In opposition to the famous Camel cigarette brand, the John Tung Foundation developed the anti-tobacco cartoon figure Hsu Ze-Lin. Hsu Ze-Lin is featured on stickers and posters in hospitals, trains stations, schools, and public toilets throughout Taiwan.*

Credit: John Tung Foundation (Taiwan)

- At the University of Hawai‘i, when some food-service contractors were lax in enforcing University smoke-free rules for outdoor dining courtyards, advocates pushed the University administration to make the contractors recognize their responsibility for customers’ noncompliance. For the strongest impact, advocate and law professor Mark Levin suggested having the University explicitly spell out their expectations in the companies’ leases. Moral: Supportive upstream policy makers may be able to influence downstream actors to take action.<sup>78</sup>
- In the Czech Republic Medical School, Professor Eva Kralikova assigns her students to visit hospital clinics in their hometowns once a year, asking doctors and nurses about their smoking habits. This serves two purposes: (1) It gathers epidemiological data on smoking behavior; and (2) The students provide the information to the directors of the clinic, putting “soft but consistent” pressure on the directors to enforce smoke-free rules in the clinic.<sup>79</sup>
- A Romanian NGO recruited 10 firms in each of six districts, subsidiaries of European multinational firms that were successfully enforcing smoke-free workplace rules, who were willing to develop and implement smoke-free workplace policies. The advocates developed tools and guidelines to help these enterprises, using local “Models of Good Practice.” They then they launched a contest for the most successful enterprises and publicized the award winners via the media.<sup>80</sup>

## A Model Creative Tactic to Deliver a Smoke-Free Message

### Mystic Ashtrays

Advocates have discovered that removing ashtrays from public places can be a very effective way to reduce public smoking. Ukrainian advocate Konstantin Krasovsky reports in a private communication:

When traveling abroad by air, I always had problems in Kiev city airport, Borispol. While smoking was prohibited and there were No Smoking signs in some places and a special smoking section, smokers usually smoked everywhere. I tried to complain to officials in uniform, but all of them told me that I have to find a fireman, who is responsible for enforcement.

While you have about half an hour before your boarding time and are not able to cross the border back, it is not realistic to find this almost mystic person. So usually after passing all formalities I came to a section with a big No Smoking sign to sit and wait for my flight, and I felt that smokers ignored this sign. I asked them to stop or move to the smoking section, but they usually answered that there is a wastebasket with an ashtray nearby and for them it means that smoking is allowed. So then before taking a seat in a “nonsmoking” section, I removed wastebaskets to the smoking section, understanding that they will be moved back when I leave.



*Although cigarette logos remain emblazoned on their sides, removing the ashtrays from the trashcans in the Kiev, Ukraine airport has proven effective for enforcing smoke-free rules. With the ashtrays gone, the clear signal is that smoking is not permitted.*

Credit: K. Krasovsky, Kiev, Ukraine (Kiev city airport, Borispol)

And in June 2004 when waiting for my next trip I was surprised. Nobody smoked except in the smoking area. The reason was very simple: ashtrays were totally removed from the wastebaskets. Everything was the same: No Smoking signs, no responsible officers and even tobacco logos on the wastebaskets. I had a walk in the airport hall and noticed only one smoker. I said: “Sorry, sir, smoking is not allowed, you see there are no ashtrays around.” He apologized (as had not often occurred in such cases before) and stopped. I asked airport workers the reason for such a change. They said that it was an initiative of the airport fireman. So he was not a mystical person.

The conclusion is simple: An ashtray is a much stronger sign than any label with a crossed-out cigarette. When you can influence the content of provisions on smoking restrictions, insist on banning ashtrays in smoke-free places. An owner of the place should be fined if an enforcement officer finds an ashtray in a nonsmoking place, even if there is no smoking around. It is much easier to enforce the absence of ashtrays than to try to catch every smoker who violates the rules. Anyway, you can find your “mystic fireman” and persuade

him or her to remove ashtrays from smoke-free sections or places. It needs no money, just your time and commitment.<sup>81</sup>

Krasovsky’s advice is echoed by an Indian who works at Starbuck’s in Deira City Centre Mall in Dubai, according to a *Gulf News* report:

We used to put ashtrays on the table in the mall, but of course, we don’t anymore. Some customers don’t want to stay if they cannot smoke.... I think that trade has only dropped a small amount. We are still very busy and most people agree with a non-smoking policy.<sup>82</sup>

## Stop the Presses! A Final Word of Encouragement

As these guides went to press, the long battle for comprehensive smoke-free legislation in England was up for a vote in Parliament. Ireland had already gone smoke-free nearly two years prior, and the other members of the United Kingdom – Scotland, Northern Ireland and Wales – had voted in their own smoke-free protection. Yet England, home of 14 million smokers (and some of the biggest tobacco multinationals), lagged behind, held back by intense lobbying for exemptions by private clubs and a disheartening lack of Government leadership. Media coverage argued strongly against the establishment of a “Nanny State” and supported protecting “people’s right to smoke.” England’s own Health Secretary, under heavy pressure from special interests, was publicly undecided about whether she would support a comprehensive smoke-free law.

But English public health advocates never quit fighting for an uncompromised law. They not only fought passionately, they also fought skillfully – as have so many advocates whose stories contributed so much to these guides.

Finally, in a heavily publicized 2006 Valentine’s night vote, a massive majority of 384 MPs, with 184 against, voted in the House of Commons to give England comprehensive smoke-free legislation without exemptions for private members’ clubs. Prime Minister Tony Blair and Health Secretary Patricia Hewitt voted to support the comprehensive smoke-free law.

This spectacular victory for public health was covered extensively the next day on the front page of every London newspaper. Deborah Arnott, Director of ASH (Action on Smoking and Health), summarized the significance of this outcome:

*This vote will save thousands of lives, as non-smokers are protected from other people’s smoke and as smokers quit in their hundreds of thousands. MPs will rarely get the chance to cast a vote that does so much good, at such little cost, in such a short time. This is the best news for public health for more than thirty years.*<sup>83</sup>

The example set in England should remind us all that, with determination, strategic thinking, and skill, we can overcome even the most discouraging challenges. Indeed, often the difficulty encountered during the battle is in direct proportion to the ultimate health benefits winning brings. So take heart: Millions of people at risk from secondhand smoke are counting on us – and we can win!

*We hope you find this guide useful. If you have suggestions, resources, techniques, best practices, or stories that tobacco control advocates may find useful, please send them to [smokefree@uicctobacco.org](mailto:smokefree@uicctobacco.org).*



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