Reining in the Bulls with Michael Marx
Interview with Kathy Mulvey of the Union of Concerned Scientists
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Name: Kathy Mulvey
Current Title: Climate Accountability Campaign Director
Current Organization: Union of Concerned Scientists
Title during campaign: Director of Campaign Development (1993-1995); Executive Director (1996-2007); International Policy Director (2007-2009)
Organization during campaign: Corporate Accountability
Name of campaign: Challenging Big Tobacco
Date(s) of campaign: 1993 - present
Target companies/corporations: Philip Morris (now Philip Morris International), RJR Nabisco (now Reynolds American); British American Tobacco (BAT)

Summary: Tobacco addiction, disease and death is a preventable global epidemic that kills millions of people each year. This campaign challenged tobacco transnationals to stop addicting new customers around the world and stop interfering in public policy. The campaign helped stop abusive tobacco marketing and promotional tactics, forced the tobacco industry to pay billions of dollars in health care costs, and contributed to the development and swift adoption of the first global health and corporate accountability treaty.

00:03 Michael Marx:
Kathy Mulvey, thanks for joining me for this interview.

00:07 Kathy Mulvey:
Yeah, thanks, Michael.

00:09 MM:
We're going to talk about the tobacco industry. You are with the Union of Concerned Scientists today, but during the tobacco campaign you were with Corporate Accountability International, right?

00:23 KM:
Yes. It was Infact at the start of that campaign and now, Corporate Accountability.

00:29 MM:
Okay. And what was Corporate Accountability's mission and what was your position with them then?

00:37 KM:
The organization's mission is a big one: to stop life-threatening abuses by transnational corporations and increase their accountability to people around the world. And during the work on tobacco, I played a number of different roles starting as our director of campaign development and then becoming executive director during that campaign.

01:06 MM:
Great. And, the tobacco campaign really targeted the entire industry, but did Corporate Accountability focus on the entire industry or strategically did it focus on one or more companies, to kind of illustrate this story?

01:26 KM:
The organization's model of campaigning in theory and sort of approach to campaigning was to issue demands to the industry as a whole, but to target the campaigning on leaders in the industry. And so for the tobacco industry campaign, which is now Challenging Big Tobacco, that was Philip Morris as the world's largest and most profitable tobacco transnational. And there's been some changes in corporate structure since then. And then RJR, what was then RJR Nabisco, because of the egregious visible marketing to young people and specifically, the Joe Camel campaign at that time, was quite visible and recognized -- a cartoon character used to market cigarettes.

02:32 MM:
Yes. I remember it well. Well, what was it that influenced Corporate Accountability to take on the tobacco industry? Because I know historically Corporate Accountability at one time was actually INFACT, and they took on Nestle's and the Baby Formula campaign, which was one of the first major international corporate campaigns. What was it though that challenged them and made them want to really take on tobacco?

03:04 KM:
Yeah, so we were coming out of, as you mentioned, that background with Nestle, and then more recently a campaign on the nuclear weapons industry, highlighting the industrial part of the nuclear weapons complex and targeting General Electric as the leader in both producing

and promoting nuclear weapons. And so, as General Electric was, through that campaign removed as a driving force behind the nuclear weapons industry, we actually took stock as an organization. We looked at a whole range of issues of corporate abuse and harm to people around the world. Everything from pesticides to issues around corporate power and international trade agreements and agribusiness. We did a range of research and really set criteria for a grassroots corporate campaign. And tobacco came to the top of that investigation and also polling of supporters and of the organization for a couple of reasons.

04:26 KM:
One was the enormous preventable global death toll from tobacco, which at the time was 3 million people a year and projected to rise to 10 million a year. And the other was the power and political influence of these corporations and their ability to obstruct public health policy. And so that was really what came down to it. And, as a membership organization, we did a survey of our members and we did a lot of individual personal visits and people really loved or hated the idea of us taking on the tobacco industry.

05:12 KM:
It's kind of interesting because one of the really powerful ways that the tobacco corporations manipulated people and policy was through this mythology of choice with an addictive product, right. And, so I would say one of the big accomplishments of that campaign was really shifting it in the public consciousness with others involved in this movement, but shifting it from a question of personal responsibility to one of corporate accountability and the public climate work that happened through that visible campaigning. So we experienced some of that when we rolled out the campaign to our members. Some of our own members just didn't think that it was necessarily an issue for a corporate accountability organization to take on.

06:18 MM:
Now I know, and you've alluded to it, that the harm associated with tobacco smoking was pretty much well documented. But did corporate accountability need to put out any additional reports or anything of that sort to help kind of change the perception of the industry? And as you just alluded to that sense that whether there really is a choice when the company knows it's addictive?

06:48 KM:
Yes. So we were not the scientists and public health experts, right? There was, dating back to the 1950's, there were tens of thousands of studies of the harms caused by tobacco. What we did was to document the marketing and promotion of tobacco products to people in the US but particularly globally and the export of a preventable epidemic. We published a book called "Global Aggression: The Case for World Standards and Bold US Action Challenging Philip Morris Kraft and RJR Nabisco", which was a really important, gathering of evidence from allies and partners around the world. And we then actually worked with documentary filmmakers on a film called "Making a Killing: Philip Morris, Kraft and Global Tobacco Addiction," (Anderson Gold Films, 2001) where the filmmakers went to the Czech Republic and Vietnam and had a chance

to talk with experts on the ground, but also, show people visually the kinds, the ways that the Morris, in particular, was spreading tobacco addiction around the world.

08:11 KM:
So those were a couple things. And then early in the campaign, you know, and I can talk more about this, but millions of pages of previously secret internal corporate documents came into the public domain thanks to litigation against the tobacco corporations. And those were really important for us in terms of understanding, getting a view inside the corporation, Philip Morris in particular, as to how the top leaders were trying to respond to and thwart our campaign. And so we also published a report called "Secrets and Lies," which was based on those internal documents and how the companies were responding (more evidence) to the boycott campaign.

09:06 MM:
And, you mentioned that Philip Morris was chosen in part because of Joe Camel, the cartoon figure. Was part of the strategy or the framing of the campaign for Corporate Accountability, also emphasizing its impact on children and early addiction?

09:27 KM:
Yes. So Philip Morris was actually the Marlboro man and RJR Nabisco was Joe Camel. And one of the top demands of the campaign was to stop advertising and promotion that appeals to children and young people. And you know, the studies that we were looking at showed that the average age of starting to consume tobacco products was 14. And that was a big part of shifting people's understanding to recognize this as an issue of corporate abuse. And, one of the ways that we actually engaged our members and beyond was through a campaign project called 'The Human Toll of Tobacco,' where we had gathered photos and stories of loved ones, people had lost to tobacco addiction. And when we asked people to say, you know, tell us about your uncle, if you've sent this photo, how old was he when he started to smoke? And inevitably, they were young teenagers. And so that really got people thinking. And, you know, it was around that same time that the US Food and Drug Administration started to investigate nicotine in tobacco products and found that tobacco companies were actually engineering their products to ensure that they were delivering nicotine at a level necessary to maintain addiction.

11:09 KM:
And of course, you know, right around the time that we launched the campaign in 1994, there were really iconic hearings chaired by representative Henry Waxman in the House Oversight Committee (infamous photo here), where I'm sure a lot of people will remember the CEOs standing up to swear that they believed nicotine was not addictive. So, this is just a signature issue of corporate abuse where you have corporations targeting young people with an addictive product that kills so many of its users.

11:51 MM:
You know, that leads me to ask, and it may be obvious, but when you sat down at the beginning and said, okay, what's the theory of change that's going to drive our campaign? What was that theory?

12:07 KM:
The campaign was really about getting these corporations to stop hooking young people. And, to get out of the way of public health policymaking. And remember, at that time, what we were really setting out to do was to organize large numbers of people to recognize this as an issue of corporate accountability to see how tobacco companies were actually hiding behind food brands.

12:57 KM:
So it was to essentially separate, to make it more difficult for these corporations to draw on the legitimacy of their food businesses and to make the political leaders who were covering for the tobacco companies pay the consequences. So fundamentally, as you know, Michael, these corporate campaigns are, in my view, they're about changing the cost benefit ratio for corporations to engage in abusive practices. And when we power mapped the tobacco companies, they were getting all these benefits out of owning food brands, without suffering from that. They got their lobbyists to influence policymaking, opposed tobacco taxes wearing the Kraft brand and/or Oscar Meyer.

14:10 KM:
And so the executives and marketers, their ad agencies like Leo Burnett, sure they had the Marlboro Man, which is one of the most effective youth marketing campaigns of all time, but also the Kraft brands, which were seen as so wholesome. And so to drive a wedge there with their ad agencies, with the media outlets that they were advertising in -- they just had a stranglehold over US public policy. There had been not a single piece of major tobacco control legislation passed, and they were paying a lot of money to our political leaders. And so it was really about making those connections visible. Big tobacco had a negative reputation, but that wasn't rubbing off on a lot of other people and entities that were benefiting from the ill-gotten gains of this industry. So it was to really drive wedges and isolate them from that legitimacy and political power.

15:44 MM:
So that leads me to ask the question, given that there's the issue of the harm they're causing, there's the issue of the political influence that they have, and I seem to recall there were a number of NGO allies that Corporate Accountability had in this campaign. Who were some of the most prominent ones that you had, and how were you guys organized? Or, were you? Or, was it like an alliance? Was it a coalition, was it a network, or was it pretty independent, just keeping each other informed?

16:20 KM:
Yeah, so there were different relationships, I think with different allies and partners, right? So the public health, the mainstream public health organizations, had very large bases that they could reach and communicate with. Now, in the early stages of the campaign, they weren't necessarily that enthusiastic about exposing the influence of the food businesses of these tobacco companies.

16:57 KM:
So, public education about the ills of tobacco was fine, but public education about the control that these corporations had over major food brands, we found was a little more difficult to crack. The roots of Infact, which became Corporate Accountability, were in the faith community.

17:34 KM:
It actually grew out of the Interfaith Center on Corporate Responsibility, which has been leading shareholder advocacy on a range of issues for decades now. So the faith community was a critically important ally, even by the time we started working on Challenging Big Tobacco in the early nineties, many faith-based investors had already divested, but they still were using the power of the proxy to get in and raise concerns about international expansion and other issues with corporate decision makers.

18:17 KM:
So that was an important alliance. There were affected communities. As you know, the big tobacco has long targeted black communities in the US with its menthol cigarettes. And so, working with organizations like the National Association of African-Americans for Positive Imagery, working with youth led campaigns at the local level, those were other important alliances in the US.

19:04 KM:
And then internationally, there had been a lot of work before we got into the arena through consumers, Consumers International as an umbrella–a federation, essentially–of consumer groups around the world. What we actually sought to do was to recruit organizations, grassroots organizations that were working on corporate accountability, not on public health issues for the most part. On other consumer issues like pharmaceuticals or on environmental issues. And so, when we started to work in the international arena and think about what kind of controls are going to be necessary to stop the export of this preventable epidemic, we look to organizations like Environmental Rights Action Nigeria, which had been taking on Shell and the Niger Delta, and, went out and met with them and said, look, we think some precedents could be achieved through controlling the tobacco industry and its political power that would have implications for the transnational oil and gas corporations that you're fighting. And so that became a network called the Network for Accountability of Tobacco Transnationals. It's still active today.

20:44 MM:
Sometimes when we think of corporate campaigns, we'll have multiple tracks and a lot of times I think of the multiple tracks in terms of, there's the digital online, there's the field track, there's maybe a legislative track, a shareholder track, which you've alluded to, but it sounds like in this campaign, yes, there were those elements, but it was more that there were these subgroups, there's youth, there's international, there's public health, there's in general NGOs more broadly. Is that the proper way to think of the tracks of this campaign? Or is it kind of a combination of both? Some was field, some was digital, some was legal, some was legislative.

21:36 KM:
Yeah, a lot of what I'm talking about was pre-digital.

21:40 MM:
Yeah, of course.

21:41 KM:
So, you know, there was always an important field component. When we launched the campaign, one of the tactics was a small retailer campaign where we were actually working with groups at the local level to get them to engage with retailers in their community, to take down tobacco advertising. And so that really was a great way to build capacity and leadership in the field.

22:20 KM:
And it was pretty interesting because there were a lot of payments to retailers to put these ads up, right? But a lot of them hadn't necessarily thought about the impact that they were having on young people coming into their shop. Think about the mats on the counter, the displays. And so, you know, pretty early on in the campaign, one of the retailers that we were in touch with handed us a letter that RJ Reynolds had sent around to its retailers, warning them about what was then in fact, the campaign and calling us a small but vocal Boston based band of zealots. So, we took that as a bit of a badge of honor that RJR had to send this out to all their retailers because people were out in the community.

23:27 KM:
I think a lot of what I'm thinking about from the earlier days of the campaign was really providing toolkits, which of course now would be digital, but for people to be able to adapt in their own community and in their own country and in their own language. So for example, we organized International Weeks of Resistance to tobacco transnationals where we provided many grants to groups in multiple countries where they then printed up banners and did marches, or went and met with their ministers of public health. And people took the common themes and messaging and really localized them.

24:26 MM:
That leads me to ask the question, when you look out at the range of tactics that were employed, internationally as well as nationally, by these different tracks of the campaign, are there certain ones that really stand out in terms of they generated a huge amount of media, they seem to help kind of shift the debate, kind of change the whole context for the debate in your favor?

24:55 KM:
Yeah, I think that a lot of it was seizing on opportunities that we were informing and supporting, so for example, the trajectory of the campaign in the US was such that we launched

in April of 1994, the same month that Henry Waxman held these hearings with tobacco executives in the US Congress.

25:38 KM:
And just a month before the first healthcare cost recovery lawsuit was filed in Mississippi. And these were seeking to hold the tobacco industry accountable for the costs of treating people with tobacco related illness. There were moments around that process of additional filings, which just rapidly sort of, most states really took on the tobacco industry once this legal theory developed.

26:31 KM:
The tobacco companies, they had won every case in court, right? And they had used their deep pockets to just pay lawyers to outlast any opponents, but these cases quickly gained momentum. And so the tobacco companies shifted strategy and thought we better try to make these cases go away and get ourselves immunity from liability for these harms. And so, that debate over a settlement to these cases became in the US a really important focal point for organizing and mobilizing. And, it was ultimately through the Master Settlement Agreement with attorneys general that a lot of what folks had been demanding through grassroots campaigning was secured.

28:02 KM:
People know that there were hundreds of billions of dollars in penalties paid out to states through those lawsuits. But some of the other concessions that the industry was forced to make were the same ones that we and others in the movement had been putting forward. So they gave up particular advertising and promotional campaigns and tactics. They gave up advertising on billboards, for example. And, around that time, RJR Nabisco abandoned the Joe Camel campaign as well. So, really changing what the landscape of advertising and promotion looked like in the US. In terms of the political influence through the settlements, they were forced to close the Tobacco Institute, their lobbying arm which strong armed Congress for decades. And they were also forced to close the Council for Tobacco Research, which had spun out bogus research, disputing the health harms of tobacco products.

29:24 KM:
So I think it was raising that visibility, having people engaged and working in their communities and in particular constituencies that really helped to ensure that the tobacco industry couldn't get off easy in making the cases filed by these states settled.

29:59 MM:
So when you look back on the campaign, there's positive and negative lessons we always learn because you're engaged in a huge field experiment in a way from which there are hypotheses going in, and there's results that either confirm or modify those hypotheses coming out. What do you think were some of the positive and negative, most significant positive and negative lessons learned that have implications for future campaigns and may have influenced future campaigns? In fact, no doubt, did.

30:39 KM:
Yeah, so I think for this campaign, it was critical that we took it on in a global context. As a US-based organization, as a US-based corporate accountability organization, what we didn't want was to win gains in the US that would just mean that the abusive practices were magnified in other parts of the world. So I think that seizing the opportunity when the Gro Harlem Brundtland became the director general of the World Health Organization, she made tobacco one of two cabinet level priorities for her term. And one of the first things that the World Health Organization did was an inquiry into the internal tobacco industry documents that had come out through litigation in the US to see, how had the tobacco industry tried to thwart the WHO itself in achieving its public health mission. And so I think a key lesson for us was, as in fact with the campaign on infant formula and the Nestle boycott, we had played a role through the International Baby Food Action Network in the WHO's first code of marketing for a commercial product, the code of marketing for breast milk substitutes. And so when we saw WHO taking on this issue, it was actually an opportunity to use the WHO's treaty making powers for the very first time through the Framework Convention on Tobacco Control.

32:43 KM:
So I think a lesson learned, one of the things I really think about with corporate campaigning is, we organize and we mobilize around issues and help to put issues into the public eye. We seize opportunities to use visibility that the companies themselves are gathering to put pressure on them. And we know that there's going to be an arc of that visibility and organizing and mobilizing. And so to lock in those changes with enforceable mechanisms, for controlling corporate behavior, and I think especially transnational corporations, we need to be thinking about international mechanisms. And one of the greatest achievements of the Challenging Big Tobacco campaign is a provision in the World Health Organization framework Convention on Tobacco Control that obligates countries that ratify the treaty to protect their public health policies from interference by the tobacco industry (link to WHO FCTC Guidelines for Implementation of Article 5.3). And so, when going back to why do we take on this issue, one of the driving or one of the key reasons was to stranglehold over public policy decision making.

34:17 KM:
So to have globally a recognition that this industry has a fundamental and irreconcilable conflict of interest with public health policy, really put countries around the world in a stronger position to enact evidence-based public health policies. And, it's such an important precedent for other industries whose products or practices are harmful, such as the fossil fuel industry, where we're seeing now that the impacts of the conflict of interest that big oil has with effective climate policy. So recognizing the importance of using the campaigning, the mobilization, the organizing to lock in those changes with enforceable mechanisms that will outlast you and me and everybody else who's taken to the streets on these campaigns. (Kathy Mulvey blogs on this issue: here and here.)

35:35 KM:
I think one of the things we all deal with in campaigns that seek to hold corporations accountable, stop their harmful practices is morphing of corporate structures. This campaign was seeking to use the Kraft and Nabisco food brands as leverage to pressure Philip Morris and RJ Reynolds, and ultimately both of them split apart from those food brands. So that's a victory in the sense that the tobacco industry doesn't get to hide behind those food brands. Doesn't get to use Kraft Macaroni and Cheese as a way to gain access to policymakers. So it's definitely positive, it reduced their overall size as corporations. And at the same time, I think as corporations shape shift, and knowing that some of the corporate campaigns that have mobilized the most people are targeting reputations and brands, right? If they remove that public brand identity, it removes some leverage that we have over them and, to the extent that they restructure and, go private, for example, which we haven't seen here. But I think just for all of us looking ahead, what are going to be our strategies and tactics in campaigns where the corporations that are causing the most harm are controlled by private equity or what have you or don't have a brand that we can pressure.

38:01 KM:
So, it's a win and it then causes us to have to adapt our strategies. And I think with Challenging Big Tobacco, they've also actually changed their own product line, right? So that they're now purveyors of e-cigs. And, also anticipating what do we do as they try to claim that they're part of the solution to the problem that they've created.

38:50 MM:
No, you make a really good point about how this campaign not only influences the evolution of corporate campaigns, for example, and making sure that we, as much as possible, take them internationally or we try to lock in, institutionalize the victory so that the companies can't find a way to work around them. That's one, but also that the companies themselves evolve, and I think shapeshifting, as you refer to it, is one of those disturbing characteristics of corporations and their ability to adapt in the system. I was going to ask you as a kind of a final note, how do you think that the campaign, which really is one of the most seminal corporate campaigns in the last 50 plus years, how had it really influenced the evolution of corporate campaigns? But I think you've answered that question. Any final thoughts on this?

40:00 KM:
I guess as a final thought, and it's related to the question of what are we taking on with corporate campaigns? I mean, through my 30 plus years of experience working on corporate campaigning now, so much of why transnational corporations get away with hurting and killing people is because they've rigged the system. Because they exert too much influence over policymakers, because they've captured regulatory institutions. And, I think the Challenging Big Tobacco in actually looking at how do we explicitly at a global level elevate public health over trade and industry interests? And how do we insulate our public interest policymaking process from interference and corporate conflicts of interest? That to me is the question of my lifetime, probably, right?

41:33 KM:
And so, every corporate campaign, and I'm currently taking on the fossil fuel industry and their role in driving the climate crisis, not only with the emissions from burning their products, but also with their campaigns of disinformation and deception. And so I think, the tobacco industry was probably one of the earliest with the infamous doubt what is our product, right?

42:17 KM:
And so we've got to continue getting out ahead of inoculating consumers and policymakers against disinformation and lies from corporations. And, I see that problem only getting more challenging. We have social media, we have the capacity to call out corporate abuses in ways that 30 years ago with an example of abusive tobacco marketing, we had to have someone take a picture, mail the picture in, we would share it with our networks. Now that we have more activists who are working and who have social media, networks have the real capacity to call out greenwashing and disinformation in real time. And we need to use that because the corporations that we're taking on are getting ever more sophisticated about their own disinformation, deception and greenwashing and using their deep pockets to advance that.

43:44 KM:
So, the political influence and regulatory capture and the disinformation, greenwashing, blue washing, lies of corporations are going to be consistent challenges with any harm that corporations are doing, to help the environment and human rights. And we still have got to apply lessons learned and adapt them for this time.

44:18 MM:
Agreed. And that actually seems like that question and that challenge seems to be the perfect place for us to end the interview. Kathy, thank you so much for providing us this insight into what I really consider to be one of the most iconic corporate campaigns, certainly in the last 50 years. And it's so great to be able to talk to you and get those insights into the back channel, the behind the scenes and what the NGO's role was and how it's influenced us. So again, thank you very much for taking the time for this interview.

45:03 KM:
Thanks a lot, Michael. It was fun to talk about it with you.

Why they became involved in the movement

45:07 MM:
Why did you get involved in this movement and why did you stay involved?

45:53 KM:
Yeah, so Michael, I grew up at the height of the nuclear weapons buildup, and I saw a movie called The Day After when I was a senior in high school and the existential threat of my youth was a nuclear holocaust. And so that was an issue that I got politicized around and that's where

I first became an activist. And I also had this vague idea that I wanted to be an organizer. I didn't really know what that meant. And I started looking for jobs that would allow me to combine learning, organizing with taking on the issue of nuclear weapons and at that time, in fact, Corporate Accountability was working on the General Electric boycott and hiring right organizers out in Northern California. So I jumped in. I got to learn the really basic relational person to person organizing out on the streets in Oakland, carrying an ironing board to sign people up to the GE boycott. (Infact adopted the organizing model developed by the United Farm Workers for the grape and lettuce boycotts of the 1970s.) And, it was through the lens of that issue and coming to see the power and influence that General Electric had, that I really understood, that I came to understand the issue of transnational corporate capitalism as what I needed to take on as my mission and life's work.

47:50 KM:
So, it was really companies getting away with hurting and killing people. I guess my work has always been about taking on the bad guys and trying to get them out of the way so that people's movements and people who are building sustainable economies at the local level, actually have a chance to do that.

48:23 KM:
And, you know, I think I've stuck with it because I learned from some really good teachers how to do corporate campaigns in a way that is effective and to break down a massive global problem into something that people can do today with other people in their community and make progress toward solving it. So that's, yeah, that's it.

48:54 MM:
Perfect.