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Death and Taxes: The framing of the causes and policy responses to the illicit tobacco trade in Canadian newspapers

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Abstract

The illicit tobacco trade accounts for 10% of the global cigarette market and results in US\$31 billion in lost tax revenues annually. Despite legal prosecution of tobacco companies, and the introduction of new policy responses, the trade has reached an all-time high. Previous research documents how transnational tobacco companies have sought to influence government responses to the illicit trade in various countries through multiple means, including influencing of news media framing. This paper extends this analysis to Canada where the illicit trade is particularly problematic in scale and political complexity. Articles in Canadian newspapers, published from 2010–2015, were systematically searched (n=177) and analyzed to identify dominant frames, frame sponsors and policy positions related to the illicit tobacco trade. The results show that the most common frames present the issue in ways favourable to the industry. The most common non-governmental sponsors of these frames frequently have links to the tobacco industry, which are rarely disclosed. Findings indicate the need for Canadian media to be critical in its use of data sources amid industry efforts to shape public policy, and the importance of reframing policy discussions in public health terms based on independent evidence.

Background

The illicit tobacco trade is defined as any practice related to distributing, selling or buying tobacco products that are prohibited by law including tax evasion, counterfeiting, disguising the origin of products, and smuggling (Ross, 2015). The problem has plagued policymakers, law enforcement, and public health advocates for decades, prompting the adoption of a range of measures (Joossens and Raw, 2008). The World Health Organization (WHO) estimates that the illicit tobacco trade accounts for 10% of the global cigarette market and represents US\$31 billion in lost tax revenues to governments worldwide (WHO, 2016; Framework Convention Alliance, 2009). From a public health perspective, the illicit trade is particularly concerning because it undermines efforts to reduce tobacco use through

interventions such as price increases and marketing restrictions (Lieberman et al., 2011). The global scale of the problem led to the adoption of the WHO Framework Convention on Tobacco Control (FCTC) Protocol on Eliminating the Illicit Trade in Tobacco Products in 2012. As of March 2017, only 26 of the 40 countries needed to ratify the protocol have done so (United Nations, 2017).

Despite longstanding denials of involvement, analysis of internal documents provides detailed evidence that transnational tobacco companies (TTCs) have been complicit in the illicit trade for decades in Europe (Gilmore and McKee, 2004), Asia (Collin et al., 2004; Lee and Collin, 2006; Lee et al., 2008), Africa (LeGresley et al., 2009), the Middle East (Lee and Nakkash, 2008) and the Americas (Marsden et al., 2001). This led TTCs to be fined billions of dollars for knowingly supplying their products to “transit agents” for onward smuggling, and requirements to adopt more stringent tracing and tracking methods, following successful legal action in the US, Canada, and the European Union (Joossens and Raw 2008; CBC 2010). Despite such sanctions, there is evidence of continued TTC complicity in the illicit trade (Joossens et al., 2014).

There is also growing evidence that the industry has sought to influence public policy debate in FCTC signatory countries to advance ratification of the Protocol, including how the issue has been framed in the media. Questions have been raised, in particular, about media reporting of studies which are industry funded that link increased tobacco taxes to the illicit trade (Fooks, Peeters & Evans-Reeves, 2012). Van Walbeek and Shai (2015) found that the industry promoted media stories about an unsubstantiated increase in smuggling in South Africa in order to prevent an increase in tobacco tax rates. Similarly, Rowell et al. (2014) document how the industry used the media to exaggerate the growth of the illegal trade in the UK in order to argue for reduced regulation.

This paper extends analysis of tobacco industry efforts to influence media framing to Canada where the illicit trade is particularly problematic in scale and political complexity. Criminal charges brought by the Royal Canadian Mounted Police (RCMP) in 2003 led Imperial Tobacco and Rothmans, Benson & Hedges to plead guilty in 2008 to enabling “persons to possess and sell tobacco products in Canada at prices which did not include duties and taxes” (Market Wire, 2008). The two companies were fined a total of Cdn\$300 million. In 2010, JTI-MacDonald pleaded guilty to similar charges, incurring a fine of Cdn \$150 million, while RJ Reynolds agreed to a fine of Cdn\$325 million to settle the legal action without admitting guilt (CBC, 2010).

Despite these legal actions, and the admission of guilt by three major tobacco companies, the illicit trade appears to still be a significant policy problem in Canada, with estimates of illicit tobacco sales ranging from under one billion to over 8.4 billion sticks (Physicians for a Smoke-Free Canada 2011). The wide range of estimates indicates the challenge of collecting data on the illicit trade. There is no official data on the illicit trade in Canada, with the federal government only reporting annual seizures by the RCMP for the years 2010 to 2013 (RCMP, 2016). Consequently, industry data has filled the void. In 2015, a KPMG report, commissioned by BAT, found that one in three cigarettes consumed in Ontario is illicit. Imperial Tobacco (2016) argues that illegal tobacco comprised between 16.5% and 32.7% of

the Canadian market. Physicians for Smoke Free Canada (2011) questions the validity of such high estimates. Media framing takes on particular significance within this context of limited evidence to inform policy and public opinion.

This paper therefore seeks to analyze how the current (since 2010) illicit trade is framed by the Canadian media and if there is evidence of tobacco industry influence. We explore these questions by asking how the illicit tobacco trade has been framed in Canadian newspapers, by whom and for what purpose. We conclude with a discussion of the implications this raises for public health policy and reporting.

Media Framing and Tobacco Control

A frame is “a way of packaging and positioning an issue so that it conveys a certain meaning” (Entmans, 1993). News media can influence public policy by singling out particular issues, and then framing them and their potential solutions in particular ways (Gusher et al., 2007). The editorial selection of certain information, and not others, in news reporting embeds hidden bias (Siu, 2009). Davis et al. (1998) argue that “[m]edia channels hold the power to frame conceptual models, influence the evolution of these models in the public’s perceptions, and ultimately guide these perceptions toward the implementation of policy” (p. 5). Carrage and Roefs (2004) write that “the journalistic framing of issues and events does not develop in a political vacuum; it is shaped by the frames sponsored by multiple social actors, including politicians, organizations, and social movements.” Frame sponsors are those who propagate particular understandings and ideas about an issue (Brenton et al., 2006). Framing analysis attempts to reveal patterns and biases in reporting and identify frame sponsors and their interests. However, as Gasher et al. (2007) note, the purpose is not to evaluate the truth claims in a given text or by particular sponsors, but to reveal the subjectivity inherent in media representations. The focus is on how the issue, and therefore policy response, is framed, by whom, and to what effect.

Davis (2008) describes mass communication as “one of the most important phenomena in both tobacco promotion and tobacco control.” Dorfman et al. (2014) analyse how early efforts to strengthen tobacco control in the 1950s and 1960s were framed by American news media, which argued that the success of public health campaigns rested on the framing of the issue as one of government responsibility. Conversely, Menashe and Siegel (1998) argue, by assessing coverage of tobacco-related debates in the *New York Times* and *Washington Post*, that the tobacco industry has been more successful than tobacco control advocates in putting forward a dominant frame of individual responsibility. Other research has demonstrated how tobacco companies funded journalism programs and think tanks to support coalitions of reporters and “policy experts” who generated doubt around scientific findings on the harms of smoking and questioned public health programs (Fallin, et al., 2014; Oreskes & Conway, 2011; Smith et al., 2016). Durrant et al. (2003) and Freeman (2011) document how such efforts in Australia, in turn, have resulted in media framing favourable to the tobacco industry. The literature suggests that media framing has been an important site of struggle, between the tobacco industry and public health advocates, to influence public policy debates on various tobacco control issues. This paper builds on previous analyses to understand how the specific issue of the illicit trade has been framed in newspapers in Canada.

Methods

To understand how Canadian newspapers have framed the illicit tobacco trade since 2010, we searched Lexus Nexus between 1 January 2010 and 31 December 2015. We searched for published English-language newspaper articles (including opinion pieces) using the terms Canada AND illicit OR illegal OR contraband OR smuggl* AND tobacco OR cigarette(s). The initial search retrieved 951 articles. Given our focus on how the Canadian newspapers framed the problem and policy responses, we excluded articles published about Canada by foreign media and those reporting exclusively on the prosecution and legal proceedings of those engaged in the illicit trade. We included all other newspaper articles, including national and local newspapers. Given that determining which publications were most representative or significant was beyond the scope of our analysis, we did not give any weighting or ranking to individual newspapers. Where newswire releases were published multiple times, we counted them once but noted how many times they were published by syndicated newspapers. After removing duplicates, we undertook frame analysis of 177 articles (see Appendix A).

Each article was first read by one of the authors to inductively generate a list of frames (Table 1) using the following questions: what is presented as the cause(s) of the illicit trade; and what are presented as appropriate policy responses to the trade? These questions were adapted from the framework set forth by Brenton et al. (2006) who describe how coalitions of frame sponsors seek to dominate by promoting their vision of policy problems and solutions. The researcher then coded the articles, using Nvivo, applying multiple frames per article where necessary. A second researcher then coded the articles independently according to the list of frames developed by the first researcher. Discrepancies between the two coders, which were minor, were discussed and rectified. Frames were ranked quantitatively to determine which had the most frequent media presence. The positioning of frames was analyzed to determine where and how they overlapped, reflected or contradicted each other; for example, if certain frames were commonly combined within articles, or used to support one another.

Frame sponsors were identified as those who are quoted, referenced or authored commentaries/opinion pieces, and categories were defined inductively by the first researcher who coded the articles accordingly. As with the frame analysis, a second researcher then coded for frame sponsors independently, and the two codings were compared for consistency. Frame sponsors were ranked according to the number of articles they were present in, as were the frames they most commonly applied (Table 2). As one of the aims of the article was to identify tobacco industry influence in media framing, frame sponsors were investigated to find out if they had any past or current links with the tobacco industry. This was achieved by searching the websites of organizations (such as think tanks) that frame sponsors were affiliated with for any mention of tobacco industry links. For example, annual reports and other documents were searched to determine if frame sponsors had received funding from the tobacco industry or had representatives from the tobacco industry on their boards. In addition, the Truth Tobacco Industry Documents (TTID) Library was systematically searched, using the names of frame sponsors (individuals quoted in the press and their affiliated organization), for evidence of past relationships. While most of the

documents in the TTID Library date before 2003, they are useful sources of evidence for identifying past relationships of relevant individuals and organizations, especially given current non-disclosure of funding sources (Smith et al. 2016). If an industry link with a frame sponsor was identified, the analysis then determined if such relationships were noted in the newspaper article or not.

There are a number of limitations to this analysis. This paper focuses on framing by Canadian newspapers, excluding other print broadcast and social media. These other media, given their varying forms, require different strategies for searching and analysis which lie beyond the scope of this paper. However, as newspapers Canada reports “Daily newspapers continue to be strong news brands with 8 in 10 Canadians reading every week. The results of the latest release indicate that Canadians are still avid readers of newspaper content. Between 50 – 60% of Canadians read newspaper content every day, with print continuing to be the primary source.” (Newspapers Canada, 2017). As the study excludes Canadian French-language newspapers, we acknowledge that the study omits several major newspapers. Approximately 21.9% of the Canadian population has French as their mother tongue, with leading Francophone newspapers *La Presse* and *Le Journal de Montreal* having readerships of 3.17 million and 3.16 million respectively (Bradshaw, 2015). Finally, while this paper analyses how the illicit trade is framed and identifies similarities between dominant frames and policy decisions taken, it does not demonstrate causation regarding the impact of framing on policymaking, public perceptions, and behaviours.

Findings

“Facilitating more ominous threats”: law and order

The most commonly used frame - present in 53% of articles reviewed - is that the illicit tobacco trade is a law and order issue supporting, and supported by, criminal groups. The Canadian Minister of Public Safety states in one article that illicit tobacco “fuels the growth of organized crime networks, contributing to the increased availability of illegal drugs and guns in our communities” (Cohen, 2013). The illicit tobacco trade is portrayed as a safety and security issue, linked to the activities of organized crime, and even terrorism. As Blackwell (2010) describes, “[s]ecurity experts have long fretted, too, about its [illicit tobacco’s] potential for facilitating more ominous threats, like terrorism”.

The main sponsors of the law and order frame are spokespersons from federal and provincial ministries of justice, public safety, and finance, as well as the RCMP and the National Coalition Against Contraband Tobacco (NCACT). The NCACT describes itself as “a Canadian advocacy group formed with the participation of businesses, organizations, and individuals concerned about the growing danger of contraband cigarettes” (2016). Membership of the NCACT includes the Canadian Tobacco Manufacturers Council, a trade and lobbying group for cigarette companies. Of the 45 articles that quote NCACT, only eight note that the coalition includes the tobacco industry in its membership.

The law and order frame is also supported by citations in newspaper publications authored by consultancy firms, which were paid for by the tobacco industry. There is substantial newspaper coverage (four original articles, a news release published in five papers, and one

opinion piece) of a report on the illicit trade by the consulting firm KMPG, funded by British American Tobacco (BAT), the parent company of Imperial Tobacco (the largest tobacco company in Canada). Released on World No Tobacco Day 2015, the report's chapter on Ontario generated headlines such as "Ontario second to Panama in illegal tobacco sales: Study" (Postmedia Network, 2015). Referring to the KPMG news release, Imperial Tobacco authored an opinion piece, published in the *Montreal Gazette*, entitled "Imperial combats illegal tobacco," claiming the company was fighting organized crime (Ferland, 2015).

The suggested policy response related to this frame is increased law enforcement. The NCACT produces annual "report cards" on the Canadian government's efforts to combat the illicit trade, generating such headlines as, "Federal government gets failing grades in efforts to snuff out illegal smokes" (Guelph Mercury, 2010). Following media coverage of the 2010 report card, the government increased resources for the RCMP to combat the illicit trade. As one article reports, "The feds announced a series of initiatives Friday on the heels of a tongue-lashing from advocacy groups who accused them of complacency on the issue" (Guelph Mercury 2010).

"The most regulated market" as causing the illicit trade

This frame – present in 46% of articles - holds that the illicit trade is caused by excessively high tobacco taxation, pushing consumers to seek cheaper alternatives, and strict regulations of tobacco products, which punish legitimate businesses. For example, an article reporting on an increase in taxes in Ontario reports, "the convenience store owners group expects a spike in demand for contraband, as smokers dodge even higher prices for legitimate cigarettes" (O'Flanagan, 2010). A commentary, in response to bans on flavored cigarettes in Alberta, states that "Bans on flavored tobacco, including the menthol ban that took effect on Sept. 30, leave opportunities for the illegal market to fill the void" (Grant, 2015). The suggestion is that consumers will simply seek flavored cigarettes elsewhere, even in the illicit market.

Policy organizations with links to the industry support this frame. The Taxpayer's Federation, which describes itself as a "not-for-profit citizen's group dedicated to lower taxes, less waste, and accountable government," co-authored a report with the Reason Foundation, a US-based think tank, which argued that tax cuts could drive out the illicit trade (Futrick & Morris, 2014). This argument was reiterated in a commentary in the *Financial Post* by the two organizations, and then quoted in two further articles, with one stating, "A report last month by the Canadian Taxpayers Federation and the Reason Foundation warned that higher cigarette taxes would drive more smokers to the black market for smuggled or illegally produced cigarettes" (Quan, 2014). None of the articles mention that the Reason Foundation had previously received funding from PM and has been listed as a third party ally in currently available internal documents (PM 1995; PM 1998; PM 1999). Because the foundation does not disclose funding sources, it is not known whether it still receives industry funding. However, it does continue to oppose the adoption of stronger tobacco control measures (Horz, 2014).

Similarly, the C.D. Howe Institute, a Canadian think tank, published an opinion piece in the *Montreal Gazette* arguing that the ‘Government can’t afford to raise tobacco taxes’ due to the expected impact on the illicit trade (Irvine & Sims, 2012a). To support this claim, the authors draw on their 2012 report which concludes that high cigarette taxes encourage the illicit trade (Irvine & Sims, 2012b). The think tank describes itself as “an independent not-for-profit research institute” (2014). However, the institute received funding from Imperial Tobacco between 2010 and 2014. In addition, one of its board members during this period, Brian Levitt, is the former CEO of IMASCO Limited, a holding company that included Imperial Tobacco in its portfolio until it became a subsidiary of BAT in 2000 (C.D. Howe, 2010, 2014). Connected through the Atlas Network (2017), a related think tank, the Fraser Institute, self-described as “an independent, non-partisan research and educational organization” (Fraser Institute, 2017), made the same argument against higher taxes in a 2010 newspaper article, claiming that “[s]muggling and trafficking of contraband cigarettes is an unintended consequence of federal and provincial tobacco tax policies” (CanWest News, 2014). The same year, the think tank received a donation of US\$45,872 from PM (PM, 2010). In the above cases, links to the tobacco industry are not noted in the articles quoting these frame sponsors.

The policy response promoted is a reduction of taxes and relaxed regulations – policies that support the position of the tobacco industry, which is also a sponsor of this frame. For example, an Imperial Tobacco representative wrote in an op-ed that “Canada, with one of the most regulated tobacco markets in the world, is in the unenviable position of being a haven for the criminal organizations behind the manufacture and export of illegal cigarettes” (Ferland, 2015).

“Canada’s contraband capital”: The First Nations tobacco industry

Thirty-eight percent of the reviewed articles focus on the First Nations tobacco industry. Under Section 87 of the Indian Act, a statute adopted in 1867 governing how the Canadian state interacts with the 614 First Nation bands in Canada, “Status Indians” are exempt from federal and provincial taxes on tobacco purchased on reserve. In addition, some reserves (in southern Ontario and Quebec) commercially manufacture cigarettes on their territories, citing their sovereign right to engage in economic activity on reserve. There are thus two tobacco markets in Canada: sales off reserve (subject to taxation by provincial and federal authorities); and sales to Status Indians on reserve (tax exempt). Where First Nations manufacturers sell tobacco products to non-qualifying individuals, or off reserve, this is deemed by the Canadian government as part of the illicit tobacco trade. However, many First Nations reject this charge, declining to recognize the authority of federal and provincial governments, due to unresolved treaty rights, and a history of colonization that has resulted in limited opportunities to earn livelihoods.

While First Nations tobacco manufacturing and sales raise complex governance challenges, the newspaper articles reviewed rarely discuss these. Instead, First Nations tobacco sales made off-reserve, or sold on reserve to tax-eligible persons are generally presented as law and order concerns. As one article states, “According to the RCMP, most of the cigarettes are entering New Brunswick through organized crime networks but originate on First

Nations reserves” (*Daily Gleaner*, 2013). A report by the Financial Transactions and Reports Analysis Centre of Canada (the federal agency tasked with tracking money flowing from terrorism and organized crime) is quoted in seven articles as identifying Cdn\$100 million in “suspicious financial transactions” (assumed to be linked to the illicit tobacco trade) on the Kahnawake First Nations reserve. Another article, published in the *National Post*, describes the Akwesasne Mohawk reserve as “Canada’s contraband capital” (Blackwell, 2010). The First Nations tobacco industry is also portrayed as a threat to non-First Nations retailers. For example, one article describes how convenience stores had to lay off workers and close down due to poor sales, alleging, “Black market cigarettes with First Nations origins are dragging convenience stores across Ontario into ruin” (O’Flanagan, 2010). Similarly, the First Nations industry is described as negatively impacting trade between Canada and the US (Crowley, 2013).

The most common sponsors of this frame are government spokespersons (at provincial and national levels) and the RCMP, who blame First Nations for supporting organized crime. In addition, the Canadian Convenience Store Association (CCSA) and its regional affiliates use this frame to blame the First Nations tobacco industry for their economic losses. The CCSA, as the most frequently cited source (see Table 2), describes itself as working “to promote and foster professional business practices, standards, and ethics throughout the C-Store industry.” Representing the primary sellers of tobacco products, the CCSA has played an active role in tobacco control debates over the past three decades. It also has a longstanding relationship with tobacco companies. At the time of writing, the website lists Imperial Tobacco and JTI-MacDonald as donors, and spokespersons have previously acknowledged funding from the tobacco industry (Curry, 2007; Endicott, 2010). Notwithstanding, industry funding of the CCSA is only noted in three of the 70 newspaper articles quoting the association (Blackwell, 2016).

While First Nations have contested this negative framing, emphasizing on-reserve tobacco commerce as a sovereign right and contribution to reserve economies, it is notable that only 14 of the 68 articles using this frame cite First Nations sources or quote a member of these communities. As quoted in one of the few articles citing a First Nations perspective: “You’ve got 95% of the people who are living quietly, who’ve got jobs and every time we cross the border, they treat us like criminals...In the press, it’s every family that is involved in [cigarette smuggling], but it’s not true” (Blackwell, 2010). Another article describes how “Aboriginal entrepreneurs...[and] the industry has brought a newfound prosperity to some impoverished communities, and those outside governments have no right to interfere in the business” (Blackwell, 2012).

The policy solutions associated with this frame, as proposed by the CCSA and other frame sponsors, is the integration of First Nations tobacco industry into the mainstream Canadian economy. This includes the imposition of federal and provincial legal and regulatory structures and increased law enforcement on reserve. For example, in a commentary by Brian Crowley, the Macdonald-Laurier Institute think tank argues, “If we could also bring the Mohawk into the mainstream of economic life and provide attractive economic alternatives for First Nations youth, we’d close off a major point of vulnerability in our relationship with the U.S., while clearing up a festering problem at home” (Crowley, 2013).

Another article argues that “sensitivities to aboriginal rights make aggressive work on this file difficult for police” (Toronto Star, 2010), promoting an approach that does not recognize First Nations sovereignty.

Increased youth access to “cheap, illegal tobacco”

Thirty-eight percent of articles frame the illicit tobacco trade as increasing youth access to cigarettes. These articles claim that, as well as offering cigarettes at a much cheaper price to a price sensitive age group, sellers of illicit tobacco products are also more willing and able to violate legal restrictions on underage selling. As cited in Henderson (2015), “Cheap, illegal tobacco is often sold out of the back of cars where no one ever asks for identification or has a care for the safety of students.”

Many articles using this frame draw on studies by the CCSA or one of its regional members. One quoted study states that “contraband has become a popular source of tobacco consumption for minors...illegal cigarettes were found on the majority of secondary and high school campuses, with contraband representing upwards of 20% of cigarette butts found” (Furtrick & Morris, 2014). These studies, in turn, present convenience store owners as responsible entrepreneurs, while First Nations and other sellers of illicit products are positioned as a threat to youth. As stated by one CCSA representative, “Convenience store owners are very concerned about the increased access of these tobacco products to youth” (Henderson, 2015).

Despite framing youth access as a public health issue, the policy solutions proposed by this frame’s sponsors are not public health focused. The RCMP, government bodies and public health advocates call for increased law enforcement to apprehend and punish those who illicitly sell to youth. The CCSA, and other industry-affiliated groups, again call for reduced levels of tobacco taxation and regulation. The CCSA states that “Today, convenience stores are not only expected to be the government’s tax collectors, but they are also expected to play a role as de facto national guardians of morality as the primary vendors of so-called “sin” products, such as alcohol, lottery, tobacco, gasoline, and now fast food” (CCSA, 2013). As one commentary by the Reason Foundation reads, “Many purchasers are minors, for whom tobacco is now a readily available forbidden fruit thanks to the purveyors of contraband. Paradoxically, the best way to stop this scourge is by reducing taxes on legal tobacco products” (Furtrick & Morris, 2014).

“Brazen Big Tobacco”: Questioning the legitimacy of the industry

This frame, represented in 9.6% of articles, questions the legitimacy of TTCs and their apparent concern regarding the illicit trade given their past complicity in the illicit trade and longstanding commercial interests in promoting a harmful, addictive product. For example, one article describes a “20-year history of illicit trade through the region, egged on originally by a brazen Big Tobacco smuggling scheme” (Blackwell, 2010). The journalist is referring to the history of TTCs facilitating smuggling through First Nations reserves that straddle the US-Canada border during the 1990s (as noted above). It suggests that there is an element of hypocrisy in industry concern over the illicit trade, as tobacco companies created the smuggling routes and are only complaining now that they are facing competition.

Other articles argue that industry claims should be treated skeptically because TTCs have an interest in promoting harmful products, describing it as “an industry whose products lead directly to the deaths of 37,000 Canadians every year” (Shatenstein, 2011). In response to Imperial Tobacco’s arguments that recently announced packaging regulations fuel the illicit trade, a representative from the Canadian Cancer Society explained, “The tobacco industry won’t like this announcement because these warnings will reduce sales, which is exactly why these warnings are worthy of being supported” (Postmedia News, 2010). This frame also stresses the need to be aware of industry attempts to influence policy, with one advocate noting, “It is a common business practice for the tobacco industry to mislead governments” (Dampousse, 2011). It contests the more dominant frames around taxes and regulations, aiming to delegitimize industry arguments.

Public health advocates are the main sponsors of this frame. A representative from Non-Smokers Rights Association, for example, wrote an Op-Ed entitled, “Tobacco industry’s focus on contraband is a smokescreen,” which argued that the tobacco industry’s focus on the illicit trade aimed “to divert government efforts so that they focus solely on the illegal tobacco market instead of addressing the total tobacco epidemic” (Dampousse, 2011). However, public health advocates are quoted in less than one-third of articles reviewed.

The main policy response supported by this frame is to prosecute those involved in the illicit trade, particularly the tobacco industry; deterring the use of tobacco products in general, and increase tobacco taxes (Canadian Public Health Association, 2011). For example, one public health advocate calls for an increase in tobacco taxes, stating, “Death and taxes are inevitable, but they don’t need to be in that order. Canadian and provincial governments must carry the torch of higher tobacco taxes to save lives” (Jha, 2014).

Discussion

This analysis, of how Canadian newspapers have framed the illicit tobacco trade since 2010, finds primarily five frames used in the articles reviewed. The four most common frames - law and order, regulation/taxation, First Nations, and youth tobacco prevention - generate a narrative that argues strong regulation and higher tobacco taxes fuel increased demand for illicit products which, in turn, benefit criminal groups, including First Nations illegally selling to ineligible individuals or off reserve, threatening legitimate businesses, law and order, and youth. The policy solutions proposed are favourable to tobacco industry interests. For example, cracking down on the First Nations tobacco industry through law and order measures would reduce competition for the TTCs. They also challenge public health measures that are proven, by substantial scientific evidence and practice, to reduce tobacco consumption. For example, the argument that youth access to illicit products can be curbed by reducing taxes and regulations contradicts established evidence that fiscal measures are the most effective means of youth tobacco prevention (Chaloupka et al., 2011).

Significantly, this paper identifies frame sponsors and their positions as frequently linked to the tobacco industry, either as a source of information or funding. This is despite peer-reviewed research pointing out numerous flaws in industry-funded research, such as arguments that there is a relationship between higher taxes and increased levels of illicit

trade (Joossens & Martin 2000; Fooks, Peeters & Evans-Reeves, 2012). While the tobacco industry is infrequently cited directly in the articles reviewed (9%), frame sponsors with links to the industry, and who articulate arguments favourable to the industry, are frequently quoted (in 124/70% of the newspaper articles reviewed). These include consultancy firms commissioned by the industry, think tanks, the CCSA and NCACT – all of which receive industry funding. As connections to the tobacco industry are rarely mentioned, these sources are presented as independent experts. Tobacco companies, in turn, then cite these sources, fomenting the impression of consensus. This points to a clear need for far greater transparency of industry links to third party organizations conducting research, and articulating views, on the illicit trade.

In contrast, the frame attributing cause to the tobacco industry itself and pointing out the public health harms of tobacco use, whether legally or illegally acquired, was least represented in the newspaper articles reviewed. This is despite extensive scientific evidence of the health harms of tobacco use, and criminal and legal proceedings against TTCs. While the under representation of this frame may partly be reflected by the scope of searches, which focused specifically on the illicit trade as opposed to tobacco-related harms in general, it is significant that the threat posed is framed in a way that obscures the role of the tobacco industry in producing and promoting harmful products. Limited voice has also been given to First Nations communities. Indeed, the conflating of First Nations commerce with organized crime has framed the former exclusively as harmful to mainstream Canadian society. While First Nations representatives have consistently sought to contest this framing, few of the articles reviewed include their perspectives.

The importance of frames, and the findings of this paper, is reflected in policy responses by the Canadian government to date. The law and order frame is reflected in the dominant response. In 2013, the federal government adopted *Bill C-10: An Act to amend the Criminal Code (trafficking in contraband tobacco)*. The bill created an RCMP taskforce, and made selling, distributing and transporting contraband cigarettes an offence under the Criminal Code. Meanwhile, no new resources, since 2010, have been provided to strengthen public health interventions to reduce illicit tobacco use. Little attention has also been given to policies to address the public health consequences of the availability of low-priced tobacco products in First Nations communities, where smoking prevalence is triple the rate of other Canadians.

The findings also point to the need for independent data on the illicit tobacco trade. In many countries, such as Canada, the industry is among the few sources of such data. The methodological approaches used in industry studies, such as cigarette butt collections, empty pack and pack-swap surveys, frequently over-estimate the illicit trade (Merriman, 2013). Gilmore et al. (2013), for example, argue that the annual report commissioned by PM from global accountancy firm KPMG overestimates the European illicit cigarette trade. The capacity of industry-affiliated groups to dominate framing of the illicit tobacco trade in Canadian newspapers has been facilitated by the lack of independent data. Without this data, public officials are challenged to understand the illicit supply chain, scale, and impact of policy measures. Because there is no official or verifiable data on the illicit trade in Canada, the tobacco industry has an opportunity to exert influence by commissioning studies and

supporting organizations that produce information to frame the illicit trade in ways that serve its interests. Trends cited by the industry, showing substantial increases in the trade in counterfeit tobacco products, and involvement by criminal and terrorist groups, thus need to be interpreted with caution. The Canadian government must conduct its own, or commission independent, research into the illicit trade, as governments elsewhere (such as the UK) have done.

The Canadian media also needs to scrutinise data sources more critically. This requires not only presenting varying opinions of the causes of the illicit trade and possible policy responses, but also querying the motivations behind specific frame sponsors and coalitions' preferences for certain frames. It is further crucial that the media be cautious regarding the assertions it repeats. Many of the arguments put forward by the tobacco industry and its allies do not hold up to scrutiny, and contradict more rigorous peer reviewed research. Presenting these arguments as valid positions provides opportunities for the tobacco industry and its allies to create doubt around established public health measures.

Finally, public health advocates wishing to influence policy face the need to counter-frame industry arguments about the causal factors behind the illicit trade and the evidence regarding taxation and other measures. They might reframe the issue in public health terms by advocating for Canada to sign, ratify, and implement all of the provisions of the Framework Convention on Tobacco Control, and related guidelines which includes the WHO Protocol on Eliminating the Illicit Trade in Tobacco Products.

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Table 1

Frames and policy implications

Frame	Articles	Related Policy Response
Law and Order	98	Increased law enforcement
Taxes and Regulation	82	Decreased regulation and taxes on licit sales
First Nations Tobacco	68	Integration into mainstream economic and legal system
Youth Smoking	68	Decreased regulation and taxes on licit sales Increased law enforcement
Tobacco Industry Complicity	17	Public health measures to reduce tobacco use Awareness of tobacco industry attempts to influence policy

Table 2

Frame sponsors and favoured frames

		Frames Applied [/]					
Frame sponsors	Articles Quoted In	Tax & Reg.	Law & Order	1 st Nations	Youth Smoking	Tobacco Industry	
CCSA *	70	29	24	11	23	0	
Government	66	3	26	14	12	5	
RCMP	48	3	24	16	10	0	
NCACT *	45	7	16	5	9	1	
Public Health Advocates	43	0	8	9	12	15	
Tobacco Companies *	17	12	6	5	6	0	
Policy Organizations *	16	14	7	5	4	1	
First Nations Peoples	14	5	7	8	0	1	
Consultancy Firms *	8	1	3	4	2	0	

[/] Sponsors may invoke more than one frame per article^{*} Indicates financial or other links to tobacco industry; see Table 3 for more details

Table 3

Frame sponsors with links to the tobacco industry

Organization	Relationship with tobacco industry
CCSA	Imperial Tobacco and JTI-MacDonald are donors; spokespersons have acknowledged funding from tobacco industry (Curry, 2007; Endicott, 2010)
NCACT	Canadian Tobacco Manufactures Council, a trade and lobbying group for cigarette companies, is a member.
Reason Foundation	Received funding from PM in the past, and was listed as a third party ally in PM internal documents (PM 1995; PM 1998; PM 1999)
C.D. Howe Institute	Received funding from Imperial Tobacco between 2010 and 2014; former board member, Brian Levitt, was CEO of IMASCO Limited (C.D. Howe, 2010, 2014)
Fraser Institute	Received a donation of US\$45,872 from PM in 2010 (PM, 2010); has a history of receiving funding from the tobacco industry and opposing public health measures (Gutstien, 2009)