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Tobacco Control: A Federal Case?

“From a regulatory perspective, the principal conundrum is how to regulate a product that is lethal when used as intended but remains legal for people over 18 years of age.” (Jacobson and Wasserman 1993: 2)

“I remember when we were doing public opinion surveys on smoking back in the early sixties and shortly after the Surgeon General’s report, a very frequent comment that people would make.... ‘if they were really bad the government would do something about it.’ There was very little positive action you could point to that the government had done something about it, and it is the fact that the government has required something that serves as a symbol of this kind of concern.” (Daniel Horn, Director of US National Interagency Council on Smoking and Health, appearing before the Canadian House of Commons Committee on Health, Welfare, and Social Affairs, November 20, 1969.)

Introduction

This chapter examines in some detail federal government action on tobacco in both countries since 1964, including how tobacco control has waxed and waned on the governmental agenda. The focus will be on comparisons of policy through the years in the two countries. Both regulation and financial matters, primarily taxation but with some consideration of agricultural subsidies, will be covered. As the discussion will demonstrate, increasingly regulation and finance have become intertwined as governments, both state/provincial and federal, have used litigation in attempts to get tobacco companies to pay directly for some of the costs incurred through smoking. This chapter will concentrate on developments within the two countries in phases four and five of tobacco