

**Awareness and Support
for Health Care Cost Recovery Litigation:
Results of a National Survey**

**Summary Report
for the
Campaign for Justice on Tobacco Fraud**

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Dr. Donna Dasko is one of Canada's best known and respected survey research experts. During her 30-year career, as Senior Vice-President of Environics Research Group Ltd., she led hundreds of survey and focus group projects for government, non-government, and media clients. Her areas of expertise are tobacco control, health promotion, and population health. From 1996 to 2008 Dr. Dasko became the lead researcher to Health Canada in its development of tobacco control policies, and, in particular, in its development and implementation of new warning labels on tobacco products. During this period she led over 90 studies for Health Canada in tobacco control, leading to transformational changes in tobacco control policy of world-wide significance. She has led tobacco control research for non-governmental organizations, including the World Health Organization and the Canadian Cancer Society, and served as an expert witness in tobacco control legal proceedings. She has a Ph.D. in Sociology from the University of Toronto, and holds a CMRP (Certified Market Research Professional) designation from the Market Research Industry Association. She can be reached at donna.dasko@gmail.com.

Introduction

The Campaign for Justice on Tobacco Fraud (CJTF) is a non-profit organization incorporated under the *Canada Not-for-profit Corporations Act*. The CJTF's mission is to reduce the morbidity and mortality caused by tobacco industry products.

By September 2012, all provinces had passed legislation to facilitate litigation that would enable them to recover the health care costs to smokers that the governments allege resulted from tobacco industry conspiracy, fraud and negligence over several decades. Nine provinces had filed claims. It is expected that when all claims are filed, they will approach \$150 billion.

The CJTF has undertaken a national public opinion survey to examine Canadian's awareness of and support for the litigation efforts of these governments. In addition to examining public awareness and support for these lawsuits, the survey examined what information and initiatives might enhance public support for the litigation.

The survey finds that public awareness of the litigation effort is extremely low, and awareness of the alleged illegal behavior of tobacco companies underlying the lawsuits is even lower. However, when informed about the litigation, a significant majority of Canadians support it. In addition, support for the litigation increases significantly if some of the recovered money would be spent on tobacco-related public health initiatives.

The survey was based on a national random sample of 1,000 adult Canadians, 18 years of age and older, conducted by telephone from September 17 to 23, 2012. A sample of this size drawn randomly from the population would be expected to produce results accurate to within plus or minus 3.1 percentage points in 95 out of 100 samples.

The survey was led by independent consultant Donna Dasko, Ph.D., former Senior Vice-President of the Environics Research Group. Dr. Dasko is a leader in tobacco control research (see Appendices).

This report presents the key findings of the survey. All results in the tables below are expressed as a percentage of the total sample.

Awareness of the litigation

- Few Canadians – less than 10 percent – are aware that the provinces are suing the tobacco companies to recover health care costs and less than one percent of Canadians are aware of the alleged illegal behavior underlying the lawsuits.

When asked a series of open-ended questions to gauge awareness of the litigation efforts of the provinces against the tobacco companies, it is clear that few have knowledge of these lawsuits. When asked, first, as to whether they are aware of any governments, organizations, or individuals that are suing tobacco companies in Canada, 34 percent of Canadians say yes. Of this group who say yes, 29 percent mention that the provinces are suing the tobacco companies. And of this group who mention that the provinces are suing the tobacco companies, 87 percent are aware that the provinces are suing to recover health care costs. Only 7 percent are aware that they are suing because the companies are alleged to have committed fraud, lied or hid information about the harm caused by smoking.

In summary, then, only 9.9 percent of Canadians know that the provinces are suing the tobacco companies; and 8.7 percent of Canadians are aware that the lawsuits seek to recover health care costs. Less than one percent of Canadians are aware of the alleged illegal behavior underlying the lawsuits.

Awareness of litigation

9.9% Aware	90.1% Not aware that provinces are suing tobacco companies
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*	99.3% Not aware that provinces are suing tobacco companies because they allegedly committed fraud, lied or hid information about the harm caused by smoking.
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* Aware=less than 1%/ not to scale.

Support for the litigation

- Six in ten Canadians believe the provinces are justified in suing the tobacco companies.

When informed that the provinces are suing the major tobacco companies to recover health care costs and presented with two points of view – a reason to support the litigation initiative and a reason to oppose it – a significant majority of Canadians say they support it. A total of 60 percent of the public agrees that “the provinces are justified in suing the tobacco companies because the provinces have spent billions of dollars over many decades treating diseases caused by tobacco-industry products.” Significantly fewer, 36 percent, agree that “the provincial governments have made enough money from tobacco companies and smokers through taxes and are not justified in suing to get more.”

Support for litigation

Provinces are justified because they have spent billions treating tobacco-related diseases	60
Provinces are not justified because they have made enough money from tobacco companies and smokers through taxes	36
DK/NA	3

Support for the litigation is higher than average in Quebec and among Canadians with higher levels of education.

Arguments in support of the litigation

- A large majority of Canadians, 77 percent, say their support for the litigation would increase if some of the monies recovered would be used to change tobacco company behaviour in the interests of public health.

Three arguments were tested for their salience to enhance support for the litigation efforts.

When informed that the provinces claim that the tobacco companies lied or hid information about the harm caused by tobacco, its addictiveness, and their marketing to youth, and asked whether these activities justify the litigation, a significant majority of 65 percent say yes and 32 percent say no. This argument has salience for enhancing support for the litigation.

When informed that the wrongful behaviour of the industry claimed by the provinces, if proven in court, would constitute the largest fraud in Canadian history, and asked whether this fact would increase their support for the litigation, more than half, 56 percent, say yes and 40 percent say no.

Finally, when it is suggested that some part of the monies recovered by governments from the tobacco lawsuits might be used “to change the tobacco industry’s behavior in the interests of public health, to prevent children from starting to smoke and to help smokers to quit smoking” and asked whether this would increase their support for the litigation, a large majority of 77 percent say yes and only 22 percent say no.

Moreover, it is very significant that over half (55 percent) of those who initially opposed the litigation say they would change their opinion and support the litigation if some of the recovered money was used for tobacco-related public health purposes. Clearly a commitment to using some of the proceeds from litigation for this purpose has the most salience for the public in enhancing support for the litigation.

Arguments in support of litigation

	Justified/increase support	Not justified/not increase support	DK /NA
Provincial governments claim that tobacco companies lied or hid info over several decades	65	32	3
If damages claimed would be the largest fraud in Canadian history	56	40	4
If some part of the money recovered would be used to change tobacco company behaviour in the interests of public health	77	22	1

Support for all three arguments is higher than average in Quebec.

APPENDICES

Survey Questions

Donna Dasko Biography