

## COUNTERATTACKING TOBACCO INDUSTRY MARKETING

Young adults (age 18-24) have the highest tobacco use rate (42%) of any age group. That must be good news to the tobacco industry company whose internal document notes that “YAS [young adult smokers] are the only source of replacement smokers.”

The ATTACK Toolkit project was developed to support organizations, agencies, and college campuses wanting to create a plan of attack to counter tobacco industry marketing aimed at young adults. It started with a simple idea: find the projects that have been most successful in countering the tobacco industry, then help other groups learn about and use these “best practices.”

Although the ATTACK Toolkit was originally intended to be a “hard copy” product in a brief case, its organizational users suggested that the toolkit be available on a website with downloadable files with social networking functions. In addition, agencies expressed interest in receiving training and technical assistance related to the Toolkit via web-based training and teleconferencing or workshops.

In response to the toolkit developers’ initial needs assessment, a website was developed, and is evaluated on an ongoing basis. The ATTACK Toolkit is now a resource for “best practices” for smoking

cessation, education and awareness programs, policy and advocacy campaigns and evaluation and research for young adult tobacco prevention programs.

Amelia Silbert-Geiger, Program Coordinator with California Youth Advocacy Network notes that: “Email and phone are no longer sufficient to share the vast amount of information available for tobacco-related advocacy and outreach. ATTACK has created an online space for us to discuss, inform, and educate each other about tobacco control and larger public health issues in an efficient and meaningful way.”



The ATTACK website delivers the Toolkit’s content to young adults through use of the Helix content management system to provide social networking services similar to

Facebook. The website is in a blog format, allowing people to comment on the website or its content, post information, and share links for other users.

“The two sections I use most are the message boards and the Intervention Strategies Section. I used the Community Action Model while writing our current grant with the State of California for our community colleges campaign,” reports Kimberly Bankston-Lee, Senior Program Director of the youth/young



Kimberly Bankston-Lee, STAND

adult tobacco program STAND (Sacramento Taking Action Against Nicotine Dependence).

Within the Toolkit, a Literature and Review section provides research findings related to tobacco use and young adults, while another section discusses intervention strategies

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[www.publichealthtrust.org](http://www.publichealthtrust.org)  
510.285.5650

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*Public Health Trust is a program of the Public Health Institute*

## SPOTLIGHT ON JOSEPH M. HAFEY

Joe Hafey is the Public Health Trust's "founding father." He served as President and Chief Executive Officer for the Public Health Institute (PHI) and earlier at the California Public Health Foundation and the Western Consortium for Public Health. His leadership of these organizations spanned three decades; he was responsible for overall management of projects in research, community development, evaluation, public policy development, training and continuing education.

Hafey also helped create partnerships between the nonprofit organizations he led and the State of California, local public health agencies, state and national philanthropic foundations, provider groups, community-based organizations, and scientists. Some examples of ongoing programs within PHI are the (state funded) California Cancer Registry, the (federally funded) Alcohol Research Group, and the Center for Civic Partnerships (funded by public agencies and private philanthropic foundations to support local governments and nonprofit organizations).

Another example of Hafey's broad public health experience and collaborative approach was his role in creating the Public Health Trust. In the early 1990s, after one group of attorneys requested Hafey's assistance while negotiating a litigation settlement, a completely different group of attorneys came to him the following year with a very different litigation settlement. In both cases, the attorneys told Hafey that it was impossible or highly impractical to locate and recompense all the individuals alleged by the lawsuit to have

been harmed. Hafey worked with the attorneys and his diverse contacts to create innovative projects using settlement funds to address more generally the health issues related to the specific litigation.

In the first settlement brought to the Public Health Institute for grantmaking, Hafey convened leaders in public health agencies, medical care providers and insurers, and community groups. A pioneering plan was developed to use litigation funds from a class action involving **advertising of children's breakfast cereals**. For the next settlement, he led a different but equally diverse group of experts to create another novel public health program, this one aimed at **asthma care and prevention**, using funds from a small Proposition 65 settlement involving air quality.

Based on these two experiences, and on watching other funders expand and continue the work originally conceived by Hafey and his advisors, he decided to initiate a new PHI program. Directed by an attorney with public health experience, and guided by a respected group of health care and legal advisors, the Public Health Trust became a resource for litigation attorneys seeking qualified public health advisors and grantmakers for cy pres or similar kinds of litigation settlement funds.

**"The potential of the PHT to improve the public's health is enormous,"** notes Hafey. Since his 2008 retirement from the Public Health Institute, he has been a member of the Public Health Trust advisory board.



Joseph M. Hafey

## GREEN CHEMISTRY GRANTEES MOVE AHEAD

Academic and nonprofit organizations, funded by Public Health Trust settlement grants, are moving ahead in several directions as part of the Helping Inform California's Green Chemistry Initiative grant program. One example is the interdisciplinary University of California research team creating the **Berkeley Public Library of Materials (Plum)**. This web database will contain authoritative information about known chemicals of concern (starting with approximately 3000 distinct chemicals).

As a publicly available resource, Plum will increase the flexibility and transparency with which this information can be used. A 'beta' version of Plum will be released this summer. UC Berkeley **Labor Occupational Health Program** focus groups will be part of Plum developers' process of soliciting feedback from different business and community stakeholders who can benefit from Plum.

Another green chemistry grantee is **Physicians for Social Responsibility-Los Angeles**, whose recent day-

long symposium "From Molecules to Movements: Building the New Green Economy from the Ground Up" provided a forum for exploring green chemistry, education, and economic development. Par-



*Dr. Warner chats with King/Drew Medical Magnet students*

ticipants included more than 150 high school students from South Los Angeles, and representatives from over 30 community-based organizations and businesses. Keynote speaker John Warner, PhD, encouraged the students and others to explore careers in science and health care, especially those that can help revitalize communities.

"Our goal is to spark creative, interdisciplinary thinking that leads us toward healthy and vibrant com-



munities," explains PSR-LA Executive Director Martha Dina Argüello. "This event was part of our ongoing effort to promote cradle-to-cradle thinking. By fostering relationships among different stakeholders, we can promote green chemistry and the

development of green manufacturing that reduces the pollution."

Funding for the above projects and others is provided through settlement of *Environmental World Watch, Inc. v. Aeroflot et al., San Francisco Superior Court (Jan. 27, 2009)*, which directs the Public Health Trust to fund "projects and purposes related to environmental protection, worker health and safety, or education of human exposure to hazardous substances."

### **ATTACK—Continued from page 1**

for policy, lifestyle branding, community education, and smoking cessation. The final section of the Toolkit discusses the purposes and methods for conducting research and program evaluation. Through the interactive webinars and in-person trainings, participants from various organizations are trained to counter tobacco industry marketing practices aimed at young adults. STAND staff members use social media via Twitter and Facebook for their outreach, and also demonstrate the website to tobacco control advocates and professionals at conferences, youth advisory board meetings, and tobacco control coalition meetings.

Christian Sparks, Project Specialist for San Juan Unified School District, likes to use ATTACK. She comments, "The Toolkit has an updated look and feel, compared to other tools/resources out there. We have used ideas

from the Street Team Cessation Project to build our own version of Teen Intervene, a project for at-risk teens based on Motivational Interviewing techniques."

The ATTACK Toolkit is a project of the STAND Programs of Breathe California of Sacramento-Emigrant Trails. It is supported by the Public Health Trust with funds from settlement of *People of the State of California v. R.J. Reynolds Tobacco Company*. Judge: Hon. Dan T. Oki. Settling Attorneys: Bill Lockyer, California Attorney General; Tom Greene and Dennis Eckhart, California Attorney General's Office; H. Joseph Escher III, Dechert LLP, and Chandra Miller Fienen, Howard, Rice Nemerovski, Canady, Falk & Rabkin for R.J. Reynolds Tobacco Company.

--Special thanks to Aleksey Tyannikov, ATTACK Toolkit Project Program Manager, for help on this article.

## SAFE SWEETS

How sweet it is. Thanks to a Public Health Trust grant of Proposition 65 settlement funds, parents throughout California can now know if their children's candy is certified as safe from lead contamination.



When U.S. Food & Drug Administration issued guidance in 2005 lowering the recommended **maximum lead level** from 0.5 parts per million (ppm) to 0.1 ppm in “candy likely to be consumed frequently by small children,” manufacturers protested that the new level wasn't feasible. Only five years later, some of those companies whose products were previously found to have unsafe lead levels have submitted certification to the California Attorney General attesting to their control of lead contamination.

**Environmental Health Coalition** (EHC) is a non-profit environmental justice organization that was awarded Public Health Trust grant funds to work with Mexican chili and tamarind candy manufacturers, their suppliers, and selected auditors to develop and receive independent confirmation of “good manufacturing processes” that affect lead levels of an ingredient provider's or manufacturer's products.

EHC also worked with California Poison Control's Public Health Trust-funded activities to develop an English-Spanish message to families about lead in some candies, and with relevant state agencies to develop and post “bad news”

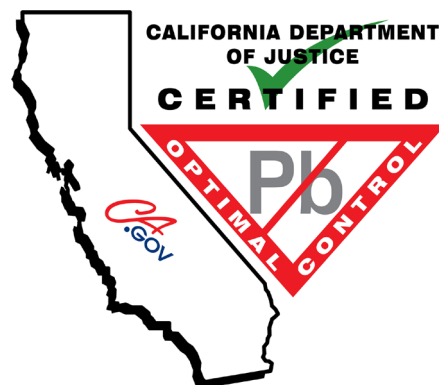
information on candies from all countries with **unsafe lead levels**, and “good news” information on candies **certified** as manufactured with optimal control against lead contamination.

Earlier this year, Leticia Ayala, an Associate Director for EHC, attended the ConfitExpo (exposition by Mexican candy companies) held for the first time on the U.S. side of the border. “It was a new experience to have respect and attention from candy manufacturers. They seem motivated to get into the U.S. market, starting with Los Angeles. We hope this new interest in exporting will make California's certification program an essential boost to doing business in this state.”



California Deputy Attorney General Dennis Ragen adds, “When it comes to eliminating lead from candy, food quality audits and public reporting are a winning combination. After a company successfully undergoes a lead audit by an experienced, independent food quality expert, the auditor submits a “lead safe” certification to the Attorney General. A new California program then publicly identifies companies whose Public Health Trust-funded audits confirm their good manufacturing practices.”

Funds for this project came from several Proposition 65 settlements alleging unsafe levels of lead in Mexican candies containing dried chilies (*People of the State of California v. Alpro Alimento Proteinico, S.A. de C.V., et al.*), and in Mexican soda



bottles with decorations containing lead (*People of the State of California v. PepsiCo, Inc; Dr. Pepper/Seven Up, Inc; and The Coca-Cola Company et al.*). Parties involved in these settlements include: Hon. Mel Red Recana, Hon. James Chalfant, Hon. Kenneth Freeman, and Hon. Carl West, who approved the settlements. Prosecutors were Edmund G. Brown, California Attorney General; Bill Lockyer, California Attorney General; Theodora Berger, Edward Weil, Dennis Ragen, Laura Zuckerman, and Kathryn Egolf, from the California Attorney General's Office; Rockard Delgadillo, Jeffrey Isaacs, Patty Bilgin, Elise Ruden, and Michelle Lyman from the Los Angeles City Attorney's office; Thomas Orloff and Lawrence Blazer, from Alameda County District Attorney's Office. Private attorneys were Mark Todzo, Suzanne Bevash, Clifford Chanler, Trenton Norris of Bingham McCutchen; Robert Falk and Michele Corash of Morrison & Foerster; and Norman Hile of Orrick, Herrington & Sutcliffe.



Luz Palomino, EHC, and Mario Pineda, Independent Auditor, at 2011 ConfitExpo in Los Angeles

## How are PHT grantees using social media and texting to promote public health? A few examples:

- The ATTACK Toolkit article in this issue describes the efforts of **Breathe California of Sacramento-Emigrant Trails** to use social networking to support young adults' anti-tobacco message.
- **Black Women for Wellness** uses Facebook and Twitter to encourage women to be more aware of the ingredients in their hair and skin care products, and to promote activities like its Sisters @ Eight monthly meetings.
- The PHT newsletter "New Media" Tools article describes **Folsom Cordova Community Partnership**, which offers real-time information to help parents learn if a children's item they already own, or might buy, has



unsafe lead levels (Vol.4, No. 2, June 2010). The partnership's Don't Play with Danger campaign uses an interactive text messaging service, plus

widgets that can be inserted into blogs and websites, to give parents quick and easy access to information on Consumer Product Safety Commission recalls. The English or Spanish widgets are available at <http://bit.ly/LeadWidget>

- **Breast Cancer Fund** uses webinars, Facebook (8000 people "like" them), and Twitter (3500 followers) to educate the public on environmental exposures and breast cancer, and on California's potential to effectively address these exposures with its Green Chemistry Initiative.

## SAFE SWEETS: EXAMPLES OF CERTIFIED PRODUCTS

### PRODUCTOS INDY

Brenda Rodriguez from candy manufacturer Productos Indy talks about her company's experience with California's certification program for lead control. "Gaining the certification was a major achievement for a small company like ours. After several years of errors, strong efforts and improvements, finally we made it. This certification helped us have better processes to satisfy customer and consumer expectations by providing safe and quality products. The certification resulted in a better market acceptability of our products by ensuring conformance to acceptable lead levels."



### CHULLS CHILES Y CONDIMENTOS

California Deputy Attorney General Dennis Ragen was actively involved in bringing the Proposition 65 legal action and then working with companies' attorneys to create a settlement whose funds support California's lead control certificate program. He is pleased to see that both candy companies and ingredient companies such as Chull's are qualifying for this certificate. "Our state's new audit program is creating momentum among companies based in Mexico, and has potential for companies in Asia and other parts of the world producing spicy candies and food additives sold to families in California."



### DULCES VERO

Leticia Ayala from Environmental Health Coalition notes that Vero is the biggest candy manufacturer in Mexico, so it's significant that it has certified one of its manufacturing facilities and is in the auditing process for its other facility. "Their new leadership is showing a stronger commitment to reassure parents that their children aren't eating candy with unsafe lead levels."



**For a current list of all certified companies and specific food products, visit the Environmental Health Coalition [website](#).**

## NEW INFORMATION RESOURCES

New information has been posted regarding litigation settlements in California and the U.S. as they relate to public health issues and grantmaking.

The **Public Health Trust website** now includes a section of links to information resources on cy pres settlements and on general public health. Some of these documents are related to the October 2010 symposium co-presented by Public Health Trust and the University of San Francisco School of Law.

The California Attorney General has posted its **annual report** summarizing legal actions initiated under

California's "Proposition 65" health warning law. Last year 187 such actions were settled, typically including injunctive relief benefitting the public, such as product reformulation, emission reduction, or warnings to affected groups. The number of settlements (7) and total amount of monetary payments (\$73,750) negotiated by public prosecutors in 2010 was the lowest since reporting began in 2000.

This report also provides specific information on trends referenced in the **Attorney General's letter** of December 22, 2010. For example, last year's settlements involving the

Attorney General directed 34% of total payments to civil penalties (part of which fund the state office providing scientific support for Proposition 65), with the remainder directed to the fund covering Attorney General fees and costs for Proposition 65 enforcement. By contrast, for the 37 settlements involving last year's largest private plaintiff (Center for Environmental Health-CEH), the total of monetary payments was nine times larger than the public prosecutors' total. CEH settlements directed 9% to civil penalties, with the remainder to their attorney fees and costs, plus distribution to CEH.

### PHT acknowledges...

*...the many people and organizations who have, since the last newsletter, contributed information, wisdom, or financial support to Public Health Trust and projects funded by our grantmaking. In addition to those already mentioned in this newsletter, we thank:*

Ann Carlson, UCLA School of Law

Joshua Davis, USF School of Law

Nourbese Flint, Black Women for Wellness

Julie Grigsby, Black Women for Wellness

Anthony Iton, The California Endowment

Tim Little, The Rose Foundation For Communities and The Environment

Timothy Malloy, UCLA School of Law

Sandra Martinez, The California Wellness Foundation

George McKray, UC Berkeley School of Public Health (ret.)

Patty Ochoa, Physicians for Social Responsibility - Los Angeles

Mary Pittman, Public Health Institute

Lauren Richter, Center on Race, Poverty & the Environment

Janette Robinson Flint, Black Women for Wellness

Peter Sinsheimer, UCLA Sustainable Technology & Policy Program

William von Oehsen, Safety Net Hospitals for Pharmaceutical Access

**Special Thanks to**  
The California Wellness Foundation



**Linking Settlement Funds  
to Community Needs**

555 12th Street, 10th Floor,  
Oakland, CA 94607

tel: 510.285.5650

fax: 510.285.5501

[phtinfo@publichealthtrust.org](mailto:phtinfo@publichealthtrust.org)



*The Public Health Trust works with private attorneys, government agencies, and public health organizations interested in using litigation settlement funds to improve public health. PHT grantees have addressed marketing of food or tobacco products, exposure to toxic substances, medication access, air and water quality, and other issues affecting public health.*