

# Tobacco Surveillance Data Brief:

## *Print Coverage of the Casino Smoking Ban Debate*

A joint effort between the Comprehensive Tobacco Control Program (CTCP) and the UMDNJ-School of Public Health, Center for Tobacco Surveillance and Evaluation Research (CTSER). CTCP is administratively located in the Public Health Services Branch, Division of Family Health Services

November 2008

Volume 2, Issue 4

### Introduction and Timeline

On April 15, 2006, the New Jersey Smoke-Free Air Act (SFAA) was enacted into law. However, the law included one controversial exception - it exempted casinos from the smoking ban. The Atlantic City-based casino industry consists of 11 casino hotels that generate approximately \$5 billion annually and receive an estimated 35 million visitors per year.<sup>1</sup> The issue of exempting casinos has played a significant role in the effort to pass a comprehensive smoking ban in New Jersey, as evidenced by the numerous legislative steps (see Table 1) and arguments dedicated to this issue, both at the statewide and local levels. This report presents the results of a content analysis of unique New Jersey newspaper articles between November 2005 and February 2007 which included at least one argument for or against the issue of exempting casinos from a smoking ban. This time period includes articles leading up to and following the passage and enactment of the SFAA and subsequent articles leading up to passage of the local ordinance (75/25) by the Atlantic City Council (ACC). Table 1 presents a timeline of casino exemption events covered in the period of clippings analyzed and those occurring after February 2007.

To examine this debate we first identified frames (or arguments) utilized to support or oppose exempting casinos from an indoor smoking ban. Framing is a way of selecting, organizing and "packaging" information about an issue to influence the way it is perceived and thought about.<sup>2</sup> Examination of frames is a common method utilized in examining policy debates.<sup>3,4,5</sup> The sources of the frames and the types of evidence used to support arguments were also recorded.

**Table 1. Timeline of events related to casino smoking ban exemption**

October 2004	SFAA, Bill S1926, introduced with casino exemption
March 2005	SFAA amended to remove casino exemption
December 2005	SFAA amended to reinstate casino exemption*
January 2006	SFAA signed into law*
April 2006	SFAA enacted (with casino exemption)*
November 2006	ACC ordinance proposed to ban smoking in AC indoor public places; public hearings heard*
January 2007	ACC ordinance amended from full ban to partial ban (i.e., leaving 25% of casino floors exempt)*
February 2007	ACC partial ban (75/25 Ordinance) passed*
April 2007	ACC partial ban (75/25 Ordinance) enacted
April 2008	ACC passed ordinance for full ban on casino floors (eliminating 25% exemption)
October 2008	ACC full ban ordinance to be enacted but instead ACC voted to postpone enactment by 1 year

\* event covered in time period of clippings analyzed

## Coverage

Between November 2005 and February 2007, a total of 440 unique news articles, editorials and letters to the editor included at least one argument or reason for or against exempting casinos from a smoking ban (210 news articles, 85 editorials, and 145 letters to the editor), indicating that discussion related to this policy issue was frequently found in New Jersey newspapers during this time period. The remainder of this report and analysis is limited to news articles only (n= 210).

## Frames

Table 2 presents the prevalence with which various frames or arguments were used in news articles to debate the issue of exempting casinos from a smoking ban. The most frequently used frame to support or justify exempting casinos from a smoking ban, found in over half of all news articles, was the "economic" frame, which argued that banning smoking in casinos would drive smokers away to other states to gamble and thus have a negative financial impact on the New Jersey casino industry, on the local economy of Atlantic City, and ultimately on the state of New Jersey. This frame was predominantly used by representatives of the casino industry (e.g., spokespeople from the Casino Association of NJ), though also frequently used by politicians (e.g., legislators, ACC members).

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*The most frequent argument for exempting casinos from a smoking ban was that a ban would have a negative economic impact*

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The second most commonly found frame used to justify the casino exemption, present in almost one third of news articles, was one related to the idea of "compromise." Interested parties, predominantly politicians, argued that exempting the casinos was a necessary political compromise in order to pass a statewide indoor smoking ban, and that a casino-exempting ban would be better than none at all. The "compromise" frame was most frequently used in the final weeks of debate leading up to the passing of the SFAA and later the ACC local partial ban. The compromise argument was most frequently attributed to politicians (67.2% of cases) but was also attributed to public health representatives (10%). Public health representatives were also found using other frames commonly used by politicians that justified the casino exemption, including the argument that the majority of people would be protected despite the exemption ("majority protected" frame), and that the casino loophole could be closed in the future ("close loophole later" frame). It should be noted, however, that use of these frames by public health professionals occurred almost exclusively during the build up to and aftermath of the SFAA's passing and enactment. Citizens and casino patrons were the main presenters of the frame that "smoking and gambling go together", i.e., that people enjoy smoking while gambling and should have the right to do so.

**Table 2. Percentage of news articles using various frames supporting and opposing casino exemption (n=210).**

<b>Frames Supporting/Justifying Casino Exemption</b>	
Economic impact	53.3
Necessary compromise	29.0
Close loophole later	9.5
Smoking & gambling go together	7.6
Other (e.g., ventilation systems good enough)	4.8
Majority will be protected	2.9
<b>Frames Opposed to Casino Exemption</b>	
Protect health	45.7
Inconsistent with SFAA's objective	27.1
"Big Casino"/"Big Politics"	24.8
Unfair (general)	35.7
Economy/casinos won't suffer	15.2
Economically unfair to other businesses	22.4
Alternatives don't work	9.5
Other - (e.g., casino workers can't just get another job)	2.4
Implementation issues	7.6

Note: Articles were coded for all frames that applied and could have more than one frame present

On the other hand, several different frames were frequently used to oppose exempting casinos from a NJ smoking ban. The most prevalent frame used overall (found in almost half of news articles), used by public health representatives, casino workers and politicians, was one which argued about the danger of secondhand smoke and the importance of protecting the health of casino workers and patrons ("protect health" frame, Table 2). A related but distinct frame, used in 27% of articles, argued that exempting casinos was "inconsistent" with the SFAA's objective of protecting worker's health. Interestingly, this frame was used differently by different interest groups. While casino workers, public health representatives and even politicians used the frame to argue that casino employees were unfairly being treated differently than other employees protected by the SFAA, bar and restaurant representatives pointed out the "inconsistency" of the exemption to argue that the SFAA was a flawed piece of legislation, noting that a smoking ban should either be applied uniformly (putting casinos on a level playing field with bars and restaurants) or not at all. Almost a quarter of news articles argued that casinos were unfairly exempted because of their undue access and ability to lobby and negotiate with "greedy" and "corrupt" politicians ("big casino"/"big politics" frame).

In terms of economically related frames, over 20% of articles included arguments that exempting casinos was unfair to other businesses such as bars and restaurants which were also concerned about losing customers and revenue ("economically unfair" frame), while approximately 15% included arguments questioning the validity of the casino industry's predictions of negative economic consequences. It should also be noted that certain opposing arguments only surfaced during local efforts to ban smoking in casinos. Opponents of the partial 75/25 casino ban argued that having the proposed designated smoking sections would not be effective in that smoke would still travel and that the concentrated smoking sections would provide even more polluted and dangerous working conditions ("alternatives don't work" frame, 9.5%). On a similar note, opponents argued that a partial ban would be difficult to implement ("implementation issues" frame - i.e., how would it be decided which employees were to work in the smoking sections?).

Overall, 66.7% of news articles included at least one frame in support of exempting casinos. In contrast, 90% of news articles included at least one frame that opposed exempting casinos from the smoking ban.

## Supporting Information

Both proponents and opponents of exempting casinos cited information to support their arguments. Opponents of the casino exemption made references to the dangers and consequences of smoking and secondhand smoke. Articles described the negative experiences of casino workers, including complaints about the smell caused by smoke on their clothes, and descriptions of health effects such as colds, respiratory problems and, notably, lung cancer. Indeed several articles referred to and included quotes from a particular casino employee who had never been a smoker but had been diagnosed with lung cancer.

Articles also included information to support the economic-related arguments presented by both sides of the casino exemption debate. Almost one quarter of all news articles included estimates about the financial impact that a smoking ban in NJ casinos would have, typically referring to a study funded by the Casino Association of NJ which predicted that a casino ban could cut gaming revenues by 20%, lead to a loss of 3400 jobs, and cost the state of NJ \$93 million in lost tax revenue within the first two years of a ban. Articles also referred to the negative financial impact that a casino ban had on the neighboring state of Delaware. On the other hand, opponents of the casino exemption made references to the neutral or even positive economic impact on businesses of smoking bans in other states, such as New York.

## Discussion

The casino industry of New Jersey has posed many challenges and delays in the state's long effort to obtain a comprehensive indoor smoking ban. Casino industry representatives shrewdly framed the economic consequence as one that would not simply hurt the industry, but would also have a broad negative impact on the state. Furthermore, exempting casinos from the SFAA was framed as being both a reasonable compromise and a politically "necessary" condition to ensure passage of the overall bill. Rather than risk losing a chance for a smoking ban altogether at the conclusion of the legislative term, many public health representatives supported the bill with the exemption included, taking the "harm reduction" perspective that the ban protected the majority of people. However, upon passage of the bill, public health professionals and advocates set their sights back on the goal of a comprehensive indoor smoking ban and moved efforts to the local level to complete and complement the statewide initiative.

Public health professionals countered the industry's predictions of negative economic consequences by pointing to evidence of neutral or even positive financial impact on businesses in other states with existing bans. In addition, smokefree casino proponents were able to take advantage of the release of the Surgeon General's Report on secondhand smoke,<sup>6</sup> which confirmed the negative health effects of secondhand smoke. NJ GASP, an advocacy group for smokefree air, also released two studies related to indoor air quality that supported the case for banning smoking completely in New Jersey's casinos.<sup>7,8</sup> In addition to citing factual consequences of tobacco use, articles put a "human" face on the issue by including personal stories of casino workers directly affected by smoke exposure. This is important as "narrative" evidence can be more persuasive than quantitative information.<sup>9</sup>

Yet, the economic and "compromise" frames have proven to be powerful arguments, particularly given the current economic recession. While this study only analyzed news articles up to the passage of the ACC partial ban, it should be noted that recent efforts to close the remaining 25% loophole have been stalled. Although the ACC unanimously passed an ordinance in April 2008 to ban smoking completely on gaming floors in October 2008, shortly after the enactment date it voted to postpone implementation for one year, citing concerns about the already poor economy and potential for additional casino revenue and job loss. Despite this setback, it is important to note that the observed pattern of incremental steps seen in New Jersey is not atypical of tobacco control efforts.<sup>10,11</sup> Incremental changes can be successful in reaching tobacco control objectives, but it is important that efforts remain persistent. Media advocacy provides one method of keeping the attention and interest of residents and policy makers on policy initiatives. Developing issue frames and citing factual and human-interest types of supporting information can work to shape attitudes, persuade decision-making, and create news-worthy buzz, objectives that may be particularly salient in times of competing priority issues.

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### More information

The data in this brief are based on 210 unique news articles from New Jersey newspapers (from between November 2005 and February 2007) which mentioned the words smoking/tobacco and casino and included at least one argument related to the issue of banning smoking in casinos. The clippings were provided by Garden State Press Clipping Bureau as part of a larger ongoing surveillance project of news coverage of tobacco related issues in New Jersey. Newspapers frequently run the same story (as written by a particular author) in multiple papers, though these stories may vary in length (i.e., some papers feature the full length article and others present shortened versions). Among such duplicates of a same article, only one was included for analysis in the study - specifically, the version determined to be the longest was included. The coding sheet and variables used for the content analysis were based on review of the literature and preliminary review of the sample articles.

We would like to thank Karen Blumenfeld of NJ GASP for her help in establishing the timeline of events.

For more information on the data reported in this brief, contact the New Jersey Department of Health and Senior Services at 609-292-9194, or visit their website at: <http://www.state.nj.us/health/as/ctcp>.

*Suggested Citation:* UMDNJ-School of Public Health (2008). Tobacco Surveillance Data Brief: Print Coverage of the Smoking Ban Debate, Volume 2, Issue 4.