

Framing of Australian newspaper coverage of a secondhand smoke injury claim: Lessons for media advocacy

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Abstract

This paper focuses on newspaper coverage of the Marlene Sharp legal case in Australia, concerning a non-smoking bar worker who was awarded damages for laryngeal cancer caused by passive smoking. All Australian metropolitan and Victorian regional newspaper coverage of the case was obtained from a commercial media monitoring agency for the month of May 2001, yielding 100 articles for analysis. A qualitative text analysis was conducted on newspaper articles, coding for content, tone and frame. Coverage of the outcome of the Marlene Sharp case was predominantly positive for tobacco control, with positive coverage (45% of articles) outweighing negative coverage (13% of articles) by a factor of 3 to 1. The most commonly occurring frame (27% of articles) advanced the view that legislation to protect workers from secondhand smoke is appropriate, even overdue, and encouraged the government to create smoke-free policies to protect workers. Other common frames positive for tobacco control included 'smoking as socially unacceptable' (9%) and 'smoking as a societal problem' (9%). Of articles framed negatively for tobacco control, 'individual rights' (5%) and 'system cynicism' (5%) were most common. Legal cases present special opportunities for public health media advocates to bring a human face to the need to progress passage of smoke-free policies.

Introduction

On 1 May 2001, a jury in Australia's New South Wales Supreme Court awarded 62-year-old non-smoking bar worker, Marlene Sharp, A\$466 000 in compensatory damages for laryngeal cancer that she claimed had been caused by her 15 years of occupational exposure to secondhand smoke (SHS) in two licensed clubs (Chapman, 2001). The case had been quietly making its way through the courts with a low level of local media interest in its progress, but when the judgment for the plaintiff was handed down, it immediately became a significant national media story.

The history of smoke-free air legislation in Australia has been characterized by incremental changes (Chapman & Wakefield, 2001), and by legislation being introduced in

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inverse proportion to the potential for harm. Those most chronically exposed (bar workers and casino croupiers) still remain unprotected, while those least exposed (for example, passengers in building elevators and traveling on public transport) were protected by legislation sometimes very early in the history of controls. Bars have been popularly described as the 'last bastions' of public smoking after incremental introduction of smoking bans in all forms of public transport, restaurants (Chapman, Borland & Lal, 2001; Miller, Wakefield, Kriven & Hyland, 2002), and in some sports stadia.

The Sharp case invites consideration of the potential for particular individuals and incidents to transform ongoing policy debates and ignite news media interest (Gladwell, 2000). Passive smoking has been a dominant topic in Australian press coverage since the early 1980s, due to advocacy efforts following the initial epidemiological reports concerning secondhand smoke being harmful rather than simply unpleasant to many non-smokers (Chapman, 1989). Over the following two decades, journalists have interpreted numerous legal episodes as major news events. Examples include the reporting of cases in which several employees took action for damages against their employers (Winstanley, Woodward & Walker, 1995; Woodward & Winstanley, 1990), a case brought by a consumer organization successfully alleging misleading and deceptive conduct by the Tobacco Institute of Australia in making a public claim that 'there was little evidence and nothing which proved scientifically' that passive smoking was harmful (Chapman, 1991; Chapman & Woodward, 1993), an unsuccessful case brought by a non-smoking passenger forced to sit in a smoking section on a Qantas international flight (Chapman, 1995), and a case of discrimination brought by a woman with cystic fibrosis against the Sydney Hilton hotel for not providing a smoke-free nightclub (Disability Discrimination Act, 1992).

We have argued previously that news reportage and commentary is often neglected as a significant 'background' to policy change, and that news coverage needs to be brought into the foreground of explanations about how community and political attitudes change toward supporting tobacco control legislation and program support (Wakefield & Chaloupka, 1998; Chapman, 1999). Frame analysis is one means of explaining the ways that dominant news discourses evolve and come to define the meaning of a problem (Christofides, Chapman & Dominello, 1999; Lima & Siegel, 1999; Malone, Wenger & Bero 2002). News coverage of a particular issue is generally cast or framed in such a way as to clearly define a specific 'problem' or aspect of a problem that needs to be addressed. Embedded in the news media's power to introduce issues to the public is the notion that they also control the presence or absence of solutions to a given problem. As Tuchman (1978) explained, 'the mass media limit the frames within which public issues are debated and so narrow the available public alternatives'. Thus, frames diagnose, evaluate and prescribe solutions to social problems.

Reportage of the Sharp case struck us as both a large and important story concerning tobacco control, but also as one that was reported in a qualitatively different way from many that we had lived through in our public health careers. This paper analyses Australian newspaper reportage of the Marlene Sharp verdict and its implications.

Methods

All Australian metropolitan and Victorian regional newspaper coverage of the Marlene Sharp case was obtained from a commercial media monitoring service for the month of May 2001. We applied coding of articles from a coding protocol developed as part of a larger project that involves tracking newspaper coverage on tobacco issues in both the US and Australia (Clegg Smith et al., 2002). The coding protocol for the larger study

was developed inductively by a team of researchers from the experience of reading thousands of news articles on tobacco issues over a period of six months and includes a standardized protocol for the identification of type of article, as well as its content and dominant frame.

For the present study, the coders (MW and KCS) first noted whether or not each article appeared on the front page of the newspaper. Next, the type of article was coded, with options being hard news, column, editorial, letter to the editor, or other. A content analysis was then conducted whereby each article was assigned up to three topics from a pre-set list of 50 possible topics (Clegg Smith et al., 2002). In order for a topic code to be assigned, at least one entire paragraph had to deal exclusively with the topic. Paragraphs were coded consecutively from the beginning of the article until a maximum of three topics had been coded. Thus, content codes in part reflected the primacy given to the topic.

Finally, a frame analysis was undertaken by the same two coders, with frames being drawn from a comprehensive set of 14 developed by coding news articles on tobacco issues in US newspapers over a one-year period (Clegg Smith et al., 2002). Inter-rater agreement exceeded 85%—where disagreement occurred, a consensus decision was reached between the coders. Each article was coded for one dominant frame, which was determined from an overall assessment of each article, prioritizing the headline and lead paragraphs. Where a dominant frame could not be identified, the article was coded as not having a frame. Overall, eight of the 14 frames appeared in the Marlene Sharp news coverage and these are summarized in Table I.

To gain an overall impression of the slant of the articles, we grouped them according to whether the frame was generally positive or negative for tobacco control from the perspective of someone who would wish to see greater controls introduced on factors that promoted tobacco use and exposure. As Table I indicates, articles were interpreted to be positive for tobacco control when they had a dominant frame of ‘Smoking as a societal problem’, ‘Formal policy intervention as appropriate’, ‘Smoking as socially unacceptable’ or ‘Tobacco industry as evil’. Articles were coded as negative for tobacco control if they had a dominant frame of ‘Individual rights’, ‘System cynicism’ or ‘Tobacco as the underdog’. Articles with a frame of ‘Tobacco as a dinosaur’ were coded as having a mixed slant, since these articles sometimes reflected nostalgia for smoking, and at other times suggested that the fight for tobacco control was all but won. Articles without a dominant frame were designated as neutral for tone.

Results

Over the monitoring period of May 2001, 100 newspaper articles were identified for analysis, 75 of which were from Australian capital city or national newspapers and 25 from regional newspapers in the state of Victoria. Seven hard news articles were located on the front page of a newspaper, all in the week immediately following the verdict. Overall, 74 of the articles were hard news, seven were columns, three were editorials, 13 were letters to the editor and three were other (two captioned photos and a newspaper-commissioned survey of bar patrons). Thus, 23% of the coverage (letters, columns, editorials) was expressly opinionated.

From the content analysis, we ascertained that 15 topics appeared in the coverage. As shown in Table II, the most common topics were lawsuits, restaurant/bar/casino smoking bans, secondhand smoke (SHS) health and comfort issues, and workplace smoking bans. The central substantive issue of the trial—SHS as a causal factor in Marlene Sharp’s throat cancer—was discussed in detail in only 27 of the 100 articles. In most articles,

Table I. Frames identified in newspaper coverage of the Marlene Sharp trial

Frame	Tone	Key concepts	Links
Smoking as a societal problem	Positive	Smoking is damaging to all of us Smoking should be a top priority Solutions will be collective People need help to quit	Vulnerability of certain social groups/actors Power of the tobacco industry public health approach Society is stronger than the individual
Formal intervention as appropriate	Positive	Only laws/ordinances will stop the tobacco industry People need to be protected	The collective good is prioritized over individual rights
Smoking as socially unacceptable	Positive	Smoking is irresponsible, weak Smoking is a vice Smoking puts others at risk Smokers are physically unattractive	Deviancy Rights of others are paramount Cost to society of caring for smokers
Tobacco industry as evil	Positive	'Big Tobacco' Ruthless, greedy industry Killer product Victim customers Power-hungry industry	Corporate greed Lobbying
Tobacco as a dinosaur	Mixed	Dying industry The tobacco fight has been won Post-tobacco era Nostalgia for tobacco	Alternatives to tobacco farming
Individual rights	Negative	Big Brother Anti-government The land of the free Control of one's own body Victimization of smokers	Smokers' rights Laissez-faire American liberty
System cynicism	Negative	Health Nazis Greedy lawyers Regulation will never work Lawsuit fatigue Carpet-baggers	Regulation is excessive Science is flawed/corruptible
Tobacco/smokers as the underdog	Negative	David and Goliath Tobacco industry or smokers are the 'whipping boy'	Power hungry government/ public health advocates Legitimate business Victim-blaming

Table II. Topics covered by Marlene Sharp news articles

Topic	% of articles (n = 100 articles)
Lawsuits	77
Restaurant/bar/casino smoking bans	58
SHS health and comfort issues	27
Workplace bans	24
Social/economic effects of regulation	17
General bans	13
Smoker's rights	5
Smoking in other indoor places	2
Tobacco industry lobbying	2
Other damaging effects of smoking	1
Anti-tobacco events and programs	1
Smoking in the home/car	1
Societal costs of smoking	1
Nicotine	1
Quitting	1

the SHS element was only mentioned in passing. Most of the content of the articles, once the authors reported the trial outcome (accounting for the 'Lawsuits' topic code), were concerned with the implications of the trial for more extensive smoking bans in public places, as indicated by the coverage given to Restaurant/Bar/Casino Smoking Bans; Workplace Bans; General Bans (meaning bans in unspecified places); and Bans in Other Indoor Public Places.

Frame analysis

Coverage of the outcome of the Marlene Sharp case was predominantly positive for tobacco control (Table III). Of the 100 articles, 42 were coded with a frame that was overtly positive for tobacco control, whereas 13 articles were coded with a negative frame, and three articles were coded with a mixed frame. Thus, positive coverage outweighed negative coverage by nearly 3 to 1. In addition, of the 100 articles, 42 were coded as being neutral, in that they largely featured a simple report about the outcome of the case without presenting an underlying opinion or position on the possible implications.

Frames positive for tobacco control

Policy intervention is appropriate. 'Policy intervention' was the most commonly occurring frame, present in 27 of the 100 articles. This frame advocates the use of formal channels to pursue tobacco control objectives, rather than educational approaches, both through lawsuits in relation to previous or ongoing wrongdoings, and by passing laws to prevent harm occurring in the future. Statements such as 'The government and business must work together to make all public venues smoke-free' (Anon, 2001a) and 'The decision put immediate pressure on employers and governments to protect workers from passive smoking' (Lower & Hart, 2001) clearly indicate support for further legislation. Several articles urged the government to regulate, so as to prevent further legal action from employees, for example: 'The Government and individual employers should look carefully at the implications of this decision and take some immediate action to make licensed premises

Table III. Dominant frames in Marlene Sharp newspaper articles

Frames	% of articles
Positive for tobacco control:	45
Formal intervention as appropriate	27
Smoking as socially unacceptable	9
Smoking as a societal problem	5
Tobacco industry as evil and deceptive	1
Negative for tobacco control:	13
Individual rights	5
System cynicism	5
Smokers as underdogs	3
Mixed for tobacco control:	3
Tobacco as a dinosaur	3
Neutral	42

smoke-free and safe for both employees and customers, otherwise they will undoubtedly face a barrage of legal action' (Peterson & Patty, 2001).

The notion of unfairness that some were protected while others were not underlined more direct appeals for government regulation. 'Governments can no longer discriminate in terms of allowing smoking in some places while banning it in others. A total ban on smoking in public is the only way to go' (Anon, 2001b). Overall, such articles made a clear and direct case for further regulation or legislation and conveyed a sense of urgency to the cause.

Smoking as socially unacceptable. In total, nine of the 100 articles were coded with a frame of 'Smoking as socially unacceptable'. This frame takes on an overtly moral stance—smoking is depicted as wrong, irresponsible or deviant, and suggests that smokers are in the minority and that their 'selfish' behaviour should not be allowed to affect those around them. Negative opinions on smoking often become attributed to smokers themselves, such that being a smoker is presented as a stigmatized identity. A non-smoker who applauded the legal decision on the case wrote emphatically in a letter to the editor that 'Smoking is not only offensive, it is also stupid!... Cool? Seeing someone puff away on a cigarette is downright ugly and a real turn-off. The smell is disgusting' (Anon, 2001c).

Non-smokers described their own difficulties in avoiding smoke or in having to deal with the effects of inhaling it. The descriptions depict a sense of injustice. 'By all means you have all the right in the world to smoke and you have shown that you will defend this right at all costs—risking cancer, birth defects and \$450,000 payouts to passive smoking victims. Yet how dare you force that 'habit' on me, making my daily routine a constant gauntlet through your polluted, disgusting, not to mention unhealthy clouds of filth' (Anon, 2001d).

Other writers used the lawsuit as a platform to reflect more broadly on their concerns about smoking, smokers and drug use more generally. For example, one letter writer espoused that 'It's prohibition that causes the crime from illegal drugs. Why not legalise them? Then the only "dirty druggies" would be the tobacco and alcohol users and we'd all be better off' (Smith, 2001). Overall, the authors of such articles who employ this frame appear to accept unquestionably the evidence that passive smoking is harmful and sought greater regulatory intervention to protect non-smokers. Writers placed emphasis on change being overdue, supported by accounts of past inconvenience and discomfort from enduring exposure to passive smoking.

Smoking as a societal problem. The ‘Smoking as a societal problem’ frame was engaged in five articles, essentially entailing the idea that something collective needs to be done about smoking. The frame draws on scientific evidence that smoking is prevalent and damaging both to individuals and society in general. Such articles seek to develop a groundswell of public opinion—controlling smoking should be high in the priorities of government and the community. Smokers are portrayed as needing help and support in order to quit, and as being deserving of such help. Unlike the ‘formal intervention’ frame, articles within this frame reflect on the problem of smoking, rather than articulating a particular solution.

A clear example of this frame was articulated by one writer: ‘I think that with regard to smoking being the single most preventable cause of disease in Australia, that we should constantly re-look at what we are doing and see if we can do it better. ... We will continue to wind the pressure on to discourage people from smoking’ (De Forest, 2001). Another writer mused, ‘What would you think if you found out that an employer had knowingly exposed its employees to at least 60 carcinogens, which was linked to throat cancer, lung cancer, breast cancer. ... Most reasonable people would say that this was unacceptable’ (Long, 2001).

Tobacco industry as evil. Only one article in the news coverage on the case gave voice to the frame that the ‘Tobacco industry is evil’, blaming the tobacco industry for smoking-related harm.

Frames negative for tobacco control

Individual rights. Five of the articles were framed in relation to individuals’ right to smoke and the interests of the tobacco industry, suggesting that the government has little or no right to interfere in what people do to their own bodies, or in how businesses operate. ‘At the other end of the room, Moira Stone is having a quiet drink with husband Derrick, something she has done for 20 years. She says that the Supreme Court’s decision is “hogwash”. “I won’t come in here if you can’t have a smoke”, she says. “We come in for a couple of drinks and a smoke before going home to cook tea”’ (Anon, 2001e). Articles framed in this way argue that smokers are being unfairly victimized and inconvenienced by the government and by extremist health lobby groups. ‘Mate, the worst thing about a ban on cigs would be it’s a bloody victory for the bloody wowsers—and this time they can say they’re right. God help us!’ (Cornford, 2001). The frame clearly distinguishes those working to restrict smokers’ and businesses’ rights from ‘normal’ people.

Such articles raise questions about when and where government interference might end. The notion that businesses should be able to make their own decisions about smoking restrictions is also characteristic. As one bar owner indicated, ‘A lot of our patrons like to have a cigarette so this area caters for them’ and in the same article an elderly non-smoker puzzled, “‘I like the non-smoking area here”, he said “I do tolerate other people smoking”’ (Innes, 2001). This anti-intervention frame rests on the idea that the government is wasting its time by focusing on the issue of smoking—there are other ‘real’ issues with which the government should be more concerned.

System cynicism. The ‘System cynicism’ frame was found in five articles, seeking to undermine regulation and policy efforts, and actions against the tobacco industry. This frame presents the regulatory system as flawed, and dominated by greedy lawyers, fanatic activists and corrupt politicians. It is a frame of distrust, and the idea that there is an ulterior motive behind anti-tobacco initiatives is key. ‘From what I have read it seems the best medical and

scientific researchers from around the world have yet to agree there is conclusive evidence that passive smoking causes cancer. . . There are strong arguments for both points of view but no conclusive proof and I do not wish to argue either point of view. But what concerns me is that now we have a group of everyday people (a jury), of average intelligence and scientific knowledge, who decide they know better than the experts' (Brennan, 2001).

Articles also draw on the general feeling of 'lawsuit fatigue' to suggest that anti-industry initiatives are excessive, unreasonable and will have little effect except to make rich lawyers richer. 'Congratulations, Australia. With our latest smoking court battle we have once again gone down the path of our big brother across the pond, where greed, senseless lawsuits and ridiculous payouts have destroyed all commonsense' (Villiotis, 2001).

Tobacco as the underdog. Three more articles displayed sympathy for the tobacco industry through a portrayal of both tobacco companies and smokers as 'Underdogs' in a battle with a supposedly powerful coalition of neo-puritans and the government. This frame presents the idea that smoking is not an important problem, but rather that smoking has become the 'whipping boy' for multiple actors with different agendas. 'Smokers: Last of the defiant heroes (headline). . . . If you ever wondered whether the holy war against smoking had gone too far, one look at the gleeful faces of anti-smoking activists last week should have banished any doubt' (Devine, 2001). In direct opposition to the Socially Unacceptable frame, voices employing this frame are often those of smokers who feel persecuted or victimized.

Frames mixed for tobacco control

Tobacco as a dinosaur. Three articles were coded as having 'Tobacco as a Dinosaur' as a dominant frame, which conceptualizes a post-tobacco era where the fight against tobacco has been won and the tobacco industry is no longer a real threat. This frame underlines the inevitability of more restrictions and regulations on smoking. Articles framed in this way demonstrate a degree of nostalgia for good things past, while accepting a notion of change. 'Come July 1, a peculiar silence will fall across many bars in many pubs throughout Australia. . . . It'll not stop, this move to extinguish smokes in pubs. This week, in the wake of a passive-smoking court case, the idea of banning smoking in bars completely has been floated. And maybe that's a good thing. Too many of us are dying, after all. But before that, perhaps a mourning ritual is needed, Perhaps on June 30th, we should all go to our favorite pub, grab a drink, and make a gentle toast to the memory of conversations that will never be' (Masterson, 2001). Articles that reflect wistfully on smoking are less positive for tobacco control than other more overtly positive positions, yet at the same time, they convey a sense that the changes are for the best.

Discussion

Newspaper coverage of the Marlene Sharp case was predominantly positive for tobacco control, with approximately three times as many articles favourably disposed to tobacco control objectives. This is contrary to the pattern of newspaper coverage of a proposed smoke-free bar law in California (Magzamen, Charlesworth & Glantz, 2001), where tobacco industry-framed arguments against legislation dominated the debate. Australian coverage of the Marlene Sharp case is also different from the pattern of news coverage of articles pertaining to the health effects of passive smoking, as reported in the US press between 1981 and 1994 (Kennedy & Bero, 1999), when coverage lent weight to an

argument that passive smoking research was ‘controversial’. By contrast, coverage of the Sharp case conveyed a sense that further legislative action was justified and inevitable.

This analysis reveals that journalists covering the outcome of the Marlene Sharp trial spent little time discussing the actual merits of the case. Rather, coverage tended to take the medical basis for the plaintiff’s claim as already established. This is particularly pertinent because the jury’s finding for the plaintiff rests on somewhat controversial epidemiological evidence regarding secondhand smoke as a causal factor in laryngeal cancer (Langlands & Gebiski, 2002; Stewart & Semmler, 2002a, 2002b). Articles clearly endorsed the need for legislation to protect people, especially employees, from the adverse health effects of passive smoking, with 27% of all articles framing smoke-free policy intervention as appropriate. In the months following the Sharp verdict, several clubs voluntarily announced smoke-free policies, the NSW Clubs Association made the issue the major topic of their 2001 annual conference and the Australian Cancer Society wrote to all insurance companies urging them to increase their workers’ compensation premiums for those workplaces that still permitted indoor smoking. Early in 2002, the state of Victoria announced its intention to extend smoke-free policies, successfully implemented in restaurants in July 2001, to cover hospitality venues such as gaming venues and bars (Hudson, 2002; King, 2002) and this law was implemented on 1 September 2002.

Just less than one-tenth of the coverage advanced the position that smoking is ‘socially unacceptable’, often with a considerable amount of vitriol directed towards smokers. A further 9% indicated that something collective needs to be done about the problem of smoking, through the ‘societal problem’ frame—indicating a considerable reservoir of support for a change in tobacco control objectives more generally, in addition to specific support for smoke-free policies to adequately protect workers and the public.

Significantly, the tobacco industry was barely mentioned in the press coverage of this case. Since no company was a defendant in the case, there was no platform for industry comment. This lack of a legitimate voice for the industry in relation to the Marlene Sharp outcome may have provided a greater opportunity for tobacco control advocates to frame the discourse favourably for tobacco control. In fact, one tobacco company explicitly removed itself from the debate: ‘The cigarette manufacturer Philip Morris Ltd. said “as we’re not a party, we’re not providing a comment”’ (Humphries & Whelan, 2001).

Lessons for media advocacy

News events such as the Marlene Sharp lawsuit unleash unparalleled opportunities for those contacted by the media to frame tobacco control events in terms that the public can understand and with which they may identify. Issue framing plays a central role in the process of policy formation, and the news media are a prime vehicle for disseminating such messages (Chapman & Lupton, 1994; Wallack, Dorfman, Jernigan & Themba, 1993).

Thus, court cases provide special opportunities for public health policy advocates. Litigants, being identifiable people as opposed to ‘statistical cases’, provide news value in the form of interview potential, and personalization of what otherwise can be rather abstract and arid news material. Australian press coverage routinely described Marlene Sharp in terms that framed her as an ordinary, ‘decent’ citizen rather than as a rapacious, ‘gold-digging’ litigant, which has been a common news frame regarding court cases. In addition to its potential for changing institutional practices, therefore, litigation brings with it this ability to give a human face to what otherwise risks being dismissed by newsroom staff as a depersonalized story about never-ending policy wrangling.

Litigation often takes months and sometimes years to run its course, allowing the potential for particular litigants to be cast as significant news actors in unfolding developments in advance of policy. The generally positive news reception accorded to the large news story of Marlene Sharp may stand in time for many as ‘the face’ of the need to change laws on workplace smoking. Litigants can, however, also be cast by news media as symbols of ‘lawyers on the loose’, with their claims trivialized and ridiculed as instances of society going soft and everyday minor insults being elevated into absurdly dramatized incidents. Advocates need to carefully explore the potential for each litigant to be cast either favourably or unfavourably by journalists but, above all, to recognize that the personalization that litigation can bring may frame social issues more powerfully than the epidemiological and scientific preoccupations of different parties in policy debates.

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