**Discussion Questions come from the 3rd edition of the book. These are questions not covered in the 4th edition.**

**CHAPTER 1**

1. **Assume you have been hired by the head of a tobacco industry group to do a cost–benefit analysis of whether the tobacco firms should disclose that nicotine is addictive. Assume this is before the federal government required such disclosure on all packages of cigarettes. Explain how you would go about determining what are the potential harms and potential benefits of disclosing this information voluntarily. Is there any information you feel cannot be included in the evaluation? What is it? Why can’t you include it? If you could include it, would it impact your recommendation to the head of the industry group? Analyze the situation from a rights perspective, justice, and virtue theory. How might these considerations affect your recommendation to the head of the industry group?**

Remind Students that the Cost/benefit analysis of this very question was actually considered by tobacco companies and that cost/benefit analysis of tobacco taxation is still being done. Three steps of cost benefit analysis are critical: listing costs and benefits, creating dollar estimates for each cost and benefit, and calculating present value discounting those dollar costs and benefits.

Listing the benefits of revealing the information is easier than assigning dollar numbers to the information. Two big benefits to consider are: (i) benefits to potential smokers who would read the warning and choose not to start smoking and (ii) litigation savings to the company on not being blamed for secrecy or deceit. It is possible that warnings do not deter hardly any smokers. However, a company, or industry, keeping secrets can cost a lot in consumer confidence and trust, and in government and judicial reactions.

Putting dollar figures on smokers’ illness or death is difficult but it must be done. Whether to include what the company might be sued for, all out of pocket costs of illness, or even psychological costs to relatives of watching slow painful death makes a big difference in the results.

Listing costs of revealing the addiction potential include the out-of-pocket cost of warnings, the loss of sales profits for any smokers who take heed, and the outrage of betrayal by consumers to the other tobacco companies. Being the deadly product seller who tells the truth might cost sales but being the deadly product seller who gets caught in lies and deceit might be much worse. In general, the cover-up is more reacted to than any bad news.

Most critical to the cost benefit analysis is the present value discounting. In the case of smoking dangers, the health risks are discovered and measured after years of smoking or living with smokers. Dead former smokers and second hand smoke victims stay dead for many years that they might have lived, so discounting at a fair present value rate is essential.

Five key rights ought to be considered: Truth, Promises, Personal Property, and Personal Bodily Health and Privacy. Respect for Smokers’ autonomy requires that we let intelligent and rational adults make up their own mind one cigarette at a time. Chemical addiction provides an argument for taking away the free choice of even adults, so we often outlaw addictions even from adults. If your body belongs to you and your money belongs to you (assuming you have no duty and have made no promises to your children to raise them, to a spouse to love, or parents to not watch you die) then you ought to be able to make up your own mind…..with full truth available to help you decide. (Plenty of products do not reveal all the possible consequences of the misuse of the product, but other than guns, tobacco is about the only product, which kills 33% of the time when used as expected, directed, and intended.)

Justice is often measured as fairness. We might compare tobacco to other products in safety market freedom and requirements of disclosure. Cars might be an example of products, which might be partly analogous to tobacco. Cars kill and while we rarely call driving an addiction, it is certainly a habit, which on any one occasion is by percentages safe but across large numbers and across time deadly. We argue by fairness that products equally dangerous might be treated differently by earned difference or by needed difference. Slippery slope arguments are made that if tobacco is restricted, red meat and lack of exercise ought to be likewise, but slippery slope arguments can be seen through. Few people die from second hand fatness, and there are healthy amounts of every food. Tobacco has no safe amount and few benefits to earn it a place in the marketplace.

We ought to treat tobacco fairly compared to other drugs or compared to other addictions. We regulate gambling and pornography to protect people who might not be old enough to make up their own minds. A fairness issue certainly ought to be the age of consent. Is eighteen years too old or young? Why?

The key virtues of a disclosure decision are truthfulness, kindness and diligence. Disclosing the consequences of the addictive property of a deadly product is the legal liability that results from admitting that the secret had been kept for years. People smoking because the secret was revealed will lead to more blame placed on the tobacco company, and people starting to smoke after the addictive property is revealed will have more of the blame shifted to them for assuming that known risk. If we could claim that we had no idea it was addictive until the day before we disclosed that knowledge, it would help out in court and in public opinion.

The key moral issue is: Respect for autonomy requires that we allow adults to hurt (only) themselves, but addiction negates their free will and thus their right and ability to decide. The moral bankruptcy of tobacco is, knowing nicotine is addictive.

An interesting current societal issue about warnings, restrictions, and the right to make personal choices is the controversy over banning sugary drinks over a certain size. New York City’s ban on large-size soda drinks was adopted by the Board of Health in September 2012 and approved by Mayor Michael Bloomberg. The plan was to limit the size of sugary soft drinks sold in restaurants, movie theaters, stadiums and arenas to no more than 16 ounces a cup. In October 2012, groups representing beverage makers, restaurants and theaters filed a petition in state court, seeking to block the measure. They called the ban “unprecedented interference” with consumer choice. In March 2013, a state judge blocked the ban following a challenge from industry groups including the American Beverage Association.

Groups opposing the large-size soda drink ban said the decision by the Board of Health to approve the ban was overreaching and ignored the rights of New Yorkers to make their own choices. Thus, should soda drinkers be allowed the right to choose whether they buy a 32-ounce drink or eight ounces, or should health considerations, higher health costs, and the risk of diseases such as diabetes be given more ‘weight’ in a utilitarian analysis?

Students might be asked to read an ethics blog by Steve Mintz on this matter at: http://www.ethicssage.com/2013/04/ban-on-large-sugary-drinks-personal-liberty-vs-personal-responsibility-issues.html.

1. **How does virtue theory apply to both the decision maker and the act under consideration by that party? Explain.**

Virtue theory basically says you are what you do. Goodness is habitual practice of good choices. One might decide what a desired virtue is by looking at people to emulate that virtue or a person might decide what to do by following a chosen virtue. It is a circular theory in that deciding what is right might be defined as what good people do and good people might be defined as people who do those kinds of things.

Aristotle’s virtue was success based. Therefore, his virtues are those traits which, when combined with good fortune, allow and promote success. Benjamin Franklin’s virtue list is written as if instructions for becoming what he valued becoming. Virtues are defined as success promoting traits that change across time and circumstances in priority. The foundation for Kant’s hypothetical imperatives is virtues. The different imperatives are based on different virtues. Virtues of highest importance in one sport, say endurance or hand eye coordination might be less important than rhythm or size in another sport. If you want to succeed at something, then you practice the traits that make you successful.