

Illustration by
Andi Burnett

Nature's Ca

*Sit down, light
a smoke, and
listen to the story
of American Spirit
cigarettes' long,
strange trip
to court*



Wancer Sticks

By Paul Brownfield



The gradual ascent to Robin Sommers's property in the foothills above Santa Fe, N.M., takes you along switchbacks, past sheer drops and the stone-pillared gates of photographer Herb Ritts's former estate. By the time you arrive at Sommers's compound, conjured out of the rock and old-growth ponderosa pines, you're at an elevation of some 8,000 feet—the threshold, according to the CDC, for the onset of altitude sickness.

Sommers, 72, is the longtime marketing brain and former chief executive officer of Santa Fe Natural Tobacco, maker of Natural American Spirit, the “additive-free” and “organic” cigarette of choice. Meeting him felt auspicious and a little strange. As a committed, third-of-a-\$12.50-a-pack-a-day American Spirit smoker (the flagship blue, “full-bodied” smoke, additive-free but not organic), I remain a hapless acolyte of the company's absurd “but what if” Tao, which implies that its cigarettes are, if not NOT safer, as the tiny proviso on the side of the pack warns, then healthier if you already smoke.

What I inhale comes from volatilizing the tobacco leaf and the leaf only, without all the chemicals and flavorings put in conventional brands—thus achieving the following: purer taste, a longer-lasting smoke, the satisfaction of knowing I'm not a tool of Big Tobacco, and a karmic kinship with the earth that might double as a peace offering to the cancer gods. Or at least this was the notion on which Santa Fe Natural Tobacco floated along dreamily, as it grew from an independently owned business operating behind the Santa Fe rail yard to become an arm of R.J. Reynolds, which bought the company in 2002 for \$340 million.

Santa Fe Natural's profits rose around 50 percent annually in the decade after 2005, in part because of Reynolds CEO Susan Cameron's decision to pour money into marketing. In September 2015, Reynolds American (its new name after a merger) sold overseas rights for Natural American Spirit to Japan Tobacco International for \$5 billion. Last month, Reynolds American reported that Santa Fe Natural's third-quarter domestic sales reached \$265 million, and that it held 2.3 percent of the U.S. market. Now the erstwhile indie brand stands to become part of the world's second-biggest tobacco company (next to state-owned China Tobacco) if British American Tobacco's \$47 billion offer to take over Reynolds goes through. Domestically, Natural American Spirit has “plenty of growth runway ahead,” according to a Wells Fargo Securities forecast.

Smoking rates among U.S. adults fell in 2015 to 15.1 percent, according to the latest estimates from the Centers for Disease Control and Prevention. Yet somebody bought the almost 5 billion sticks of Natural American Spirit sold last year. And Gwyneth Paltrow accounted for only 52 of them—provided her admission to *Harper's Bazaar* a few years ago that she savors one a week, on Saturday nights, still holds. Regular celeb name-checks are part of the mythology that made Natural American Spirit so attractive to Reynolds, along with such youth-skewing imagery as the “hipster trap” meme, in which a pack of Spirits co-starred with a can of Pabst Blue Ribbon in a bear trap laid on an urban sidewalk.

“Sales of Natural American Spirit cigarettes increased by 86 percent from 2009 to 2014, compared to an overall 17 percent decline in cigarette sales in the United States over the same time period.” These numbers are included in a consumer-fraud class-action complaint against Santa Fe Natural and Reynolds filed in mid-September in the U.S. District Court in New Mexico. Plaintiffs' lawyers, representing 69 named individuals across 12 states, are seeking certification as a multidistrict class action, relying on what a judicial panel said were shared “factual questions arising out of the allegation that defendants label and advertise Natural

American Spirit cigarettes...in a false and misleading manner.” If granted class-action status, the case has the potential to dramatically increase Reynolds's financial exposure, and if discovery is allowed to proceed, it will force Santa Fe Natural and Reynolds to disclose more about their marketing strategies than has ever been made public. On Nov. 4, Reynolds attorneys were granted an extension to file a motion to dismiss the complaint. Meanwhile, on Nov. 7 lawyers for the nonprofit Breathe DC sued Santa Fe Natural and Reynolds for “deceptive advertising practices” on behalf of the general public.

In the tobacco industry, class-action litigation represents a cigarette company's bar mitzvah. More remarkable than having to defend its marketing is how well it worked. In its original form, American Spirit was just pouch tobacco in a baggie, redolent of leftist politics, with a distribution stream that ended, for the most part, at the New Mexico border. Really, you had to have arrived in Santa Fe hoping to change your life, as Robin Sommers did in 1981, to even get wind of the stuff.

Naturally, the man who turned a cigarette into a spa treatment has never really smoked. Sommers is of average size and build, with close-cropped white hair and the slight twang of a San Antonio native. If I'd expected a quirky tycoon with a man bun, or at least a graying ponytail, Sommers presented as an Atkins-dieting civic gentleman. He golfs at the private Club at Las Campanas in Santa Fe and begins each morning, he said, with a juice concoction consisting of two lemons, two stalks of celery, two organic tomatoes, and one bell pepper. He skips lunch and tries to eat a lot of wild-caught salmon.

Everyone I talked to, including his foes, credits Sommers as the marketing wizard who raised from infancy, if not gave birth to, Santa Fe Natural Tobacco. (Seth Moskowitz, a spokesman for Reynolds American, declined repeated requests to speak to anyone with either Santa Fe Natural or its corporate parent,

**Sommers
at the Four
Seasons Hotel
London at Park
Lane**



He had a different sort of anti-establishment botanical project going:

tobacco

citing the pending litigation.) “Robin really put the strategy together,” said Henry Sicignano, a vice president for marketing at Santa Fe Natural from 1997 to 2002. “Santa Fe really created the entire additive-free marketplace.” He added, “I was aware of the fact that some people believed additive-free was an implied health claim. That bothered me a little bit.”

It’s never bothered Sommers. He suggested to me that the government should study the long-term effects of smoking an additive-free cigarette over a conventional brand, a possibility about as likely as government-funded research into whether drinking Diet Coke over the long haul is less deleterious than guzzling Diet Pepsi.

It’s been well-established that the industry turned to additives such as ammonia and urea to foster addiction, including by hastening the delivery of nicotine to the brain. These chemicals increase what’s called freebase nicotine, the most potent form. But the scientific community mostly agrees that it’s the poison in the smoke that kills. “Cigarette smoking has been causing lung cancer and many other diseases since the early 1900s, long before the heavy use by the industry of cigarette additives,” said James Pankow, a professor of chemistry and engineering at Portland State University. (He found high freebase nicotine readings in Natural American Spirit cigarettes; lawyers in the class-action complaint jumped on this, citing it as a sign the cigarettes might contain stealth additives. Pankow pointed out to me that freebase nicotine content can also go up if air-cured leaves are used in the blend.)

When Reynolds bought Santa Fe Natural, Sommers owned 42 percent of the company. As a condition of the purchase, he and his executive vice president, S. Leigh Park, signed noncompete agreements and walked away. Park now lives in Guadalajara, Mexico; on his LinkedIn page he calls himself “Chief Do Nothing At Loafer’s Glory.”

Sommers was willing to sell in part because he’d recently been through radiation treatment for prostate cancer. At his home in late July, as we sat on the deck of his guesthouse, workmen progressed on the remodel of his main house (Sommers bought the property in 1993 from an heir to the Magic Chef fortune). The environs are rambling and understatedly chic. Decks and promontories look out onto stunning vistas. In retirement, Sommers lives alone, reading deep into the night, watching golf, and receiving out-of-town visitors. A small staff is quartered in another home he owns down the mountain. The rest of the year he moves among residences in Austin and the Caribbean island of Nevis.

It was weird to light up the cigarette Sommers invented and then apologize for the secondhand smoke; he obligingly went inside to get an ashtray. During a tour, he showed me how he’d had an ice chest drilled out of the natural rock. A dark mass of clouds had parked over Santa Fe, the sun a pale, recessed, Natural American Spirit yellow. Sommers pointed toward the Sandia Mountains in the distance and said, “That’s where Coronado thought the Seven Cities of Gold were,” referring to the 16th century conquistador who, searching for legendary treasure, found only New Mexico’s adobe villages.

More than four centuries after Coronado, Sommers visited Santa Fe for the first time. Not much about his life up to then suggested he was destined to make his fortune with a cigarette at the leading edge of the artisanal craze. What little he revealed

to me of his Texas youth in the 1950s had the theme of escape: first to the University of Pennsylvania, where he earned a B.S. in economics from the Wharton School, then to New York

City, where he fell into a quotidian but fateful profession: subscription data specialist in magazine publishing.

While holding jobs at *Newsweek* and later *Esquire*, Sommers was losing himself in the electric social scenes of Greenwich Village and Fire Island. He partied, he crunched subscriber demographics, then hit 40 and burned out on both. (In the mid-1970s, Sommers and a partner briefly ran famed Fire Island nightclub the Ice Palace, before their proprietorship soured.) Sommers had always been drawn to the Southwest, with an affinity for American Indian artifacts, even wearing ceremonial breastplates and high-top moccasins to Studio 54. On Memorial Day weekend in 1981, he’d come to Santa Fe to scout a cheap piece of property. He also took out an ad in the *Santa Fe New Mexican* along the lines of “consumer-direct marketing expert seeks local opportunity.”

The ad got only one nibble, but not from someone in a position to hire him. Bill Drake was a student of grow-your-own botanical and herbal medicines, a vocation he turned into his first book, *The Cultivator’s Handbook of Marijuana*, which he published in 1969. Picked up by Stewart Brand’s hippie consumer magazine, the *Whole Earth Catalog*, the book sold well enough to afford Drake, then a single father, a writer’s life.

By the time he saw Sommers’s want ad, Drake had resettled in the village of Tesuque, 15 miles north of Santa Fe. He had a different sort of anti-establishment botanical project going—tobacco. He could use Sommers’s expertise and some cash. To Drake, a onetime three-pack-a-day smoker, nicotine addiction was a red herring. The real scandal was in the pesticides and proprietary “smoker satisfaction chemicals” the cigarette manufacturers used to skirt making a decent tobacco product in the first place. (Sommers was intrigued enough to make a small investment to help Drake grow an experimental crop on a friend’s land.)

“I’ve always been pleased with having invented American Spirit,” Drake said on the phone from his current home in Texas Hill Country. “Even though the company’s products may not be what I wanted them to be, they’re still better than most.”

Sounding remarkably sanguine for someone who’s become an uncompensated footnote in the building of a multibillion-dollar empire, Drake gave me the late-1970s creation story: With seeds given to him by a friend from the nearby San Juan Pueblo, Drake planted a potent strain of tobacco indigenous to New Mexico’s high desert called *punche*, or *nicotiana rustica*. In the introduction to *The Cultivator’s Handbook of Natural Tobacco*, a follow-up to the marijuana book, he described his first buzz from the leaf, smoked out of a water pipe, as being like “excellent sensimilla, maybe combined with a shot of tequila.”

After we spoke, Drake e-mailed a black-and-white photo of what he said was that very *rustica* plant. He’d let its flowers bud, so they looked like an arrangement of azaleas. “Those leaves were what convinced me that real tobacco was nothing at all like commercial tobacco,” he said. He teamed up with Robert Marion, a friend studying acupuncture at Santa Fe’s Kototama Institute, to start Santa Fe Natural Tobacco. They would call their blend American Spirit. For Marion and his wife, Janis, Santa Fe had been a next stop in meaningful living. Before New Mexico, they’d





Drake's
rustica strain
of tobacco

apprenticed as natural food chefs in Cambridge, Mass., under Japanese master Hiroshi Hayashi. When I asked Janis what inspired her late husband's interest in tobacco, she recalled a trip they'd taken to the Arizona desert to see a gathering of medicine men: "We initially thought we would be honoring and remembering and redoing their understanding of ceremonial tobacco spirit."

The basement of the Marions' rented house served as the first production facility. Robert Marion and Drake wore hospital masks to keep out the nicotine dust. Janis hung a sheet over the basement door. (There were children around.) With paper cutters, Drake and Robert chopped bulk leaf into roll-your-own tobacco, and then used Cuisinarts to grind the leavings into snuff. The tobacco came primarily from shipments that Marion, a native North Carolinian, bought from farmers there who'd met their government quotas. For its "spirit," Drake said, he spiced the blend with wild-grown *rustica* bought from reservations.

Drake concedes that he and Robert didn't exactly have a business plan. They brought in a third partner, Edward Wickes, a plumbing contractor, whose wife secured them a small-business loan, and Robert Wolf, a sometimes oil rig roughneck who, as the company's sales manager, would take the product to local head shops and tourist stores. "We lost control of the company pretty quickly," Drake said. Speculators put up seed money in exchange for an ownership stake. They included Christopher Webster, a transplanted North Carolinian and Santa Fe Realtor; Park, Webster's childhood friend, who was then living in Raleigh; and Philip Naumburg, a New York expat philanthropist and grandson of Elkan Naumburg, a turn-of-the-century Manhattan banker and arts patron.

None of them had put money into the fledgling company to exalt the role of tobacco in American Indian sweat ceremonies or to fund a cooperative network of indigenous growers. Soon, Drake said, he and Robert Marion were being accused of using funds to support an alternative lifestyle, rather than building a business. The investors threatened legal action. "I don't think it was very hard for any of them to figure out how to scare Bill and Robert off," Janis Marion said.

Park insisted, with a jovial guffaw, that it was strictly a gang-that-couldn't-shoot-straight operation. "If the company had continued on the way they were taking it, it would have been out of business in a short period of time." While the coup was playing out, the nascent operation shifted to a small space at the historic adobe Gross Kelly warehouse in the downtown rail yard.

Sommers, a token investor, was contemplating life and the possibilities of additive-free tobacco from afar. He'd gone back to New York, where he was scraping by as a consultant in the magazine business. Through a connection—former *Newsweek* publisher David Auchincloss—he was using a free desk at the architectural firm of Peter Coan. "He was kind of the poorest person I knew," Coan recalled. "He lived on nothing, with real style." Sommers was also reading books on metaphysics, going on long runs, and becoming

vegetarian, all while researching the cartel-like world of the tobacco industry. He took periodic trips to New Mexico, remaining as unimpressed by Santa Fe Natural's lack of direction as he was convinced about the potential for its "clean" cigarette to both indict Big Tobacco and dine at its trough.

In 1986, Sommers moved permanently to New Mexico, contracted by Santa Fe Natural Tobacco to implement a direct-to-consumer sales strategy. Wolf had become the company's president; his principal method of selling was to hit up retail outlets on American Indian reservations around the state. Sommers's aim was to target a more pliable, far-reaching audience: white progressives who might pay more for a smoke that exuded the good earth.

The campaign began as a coupon published in the *East West Journal*, where hippie and New Age culture still simmered. The accompanying ad copy for American Spirit began as a kind of six-stanza ode:

"If you use tobacco the way
Native Americans intended...
or if you wanted to stop
smoking but could not...
here is an alternative
you should at least try!"

Ninety-six respondents generated 28 orders for cartons—a tiny but encouraging response. "P.S.," read the promotional literature in the package, "Please check here if you would like our opinion about why the major cigarette manufacturers—with all their millions of dollars available for advertising and product development and promotion—have so far either shunned or ignored the idea of making purer cigarettes as a way of attempting to overcome the mounting objections to smoking for reasons of health."

A similar trial offer in *Rolling Stone* drew a flood of requests for free packs but few new orders, so Sommers went back to higher-consciousness publications. Early on, profit margins were good but sales were low—about \$88,000 in 1987. There were only so many people you could reach with consumer-direct marketing in publications like the *Utne Reader*. Sommers decided the pouch design and cigarette pack needed a makeover. The logo had been discovered by Drake in the New York Public Library, where he'd spent a week researching crops in the George Arents Tobacco Collection. He'd come across a 19th century lithograph by the German-American caricaturist Thomas Nast that showed a giant American Indian chieftain partaking of the smoke from a volcano through the sharp end of his spear. Drake paid \$250 for the rights to license the image. But Sommers wanted a more contemporary, art deco look. He hired a graphic artist in New York to redo the logo—the same chieftain, but cupping a peace pipe, minus the volcano. It popped more against the blue pack. (For the misappropriation of native spiritual iconography, the Santa Fe Natural Tobacco

A small, upstart grocery
chain called

Whole Foods

Company Foundation hands out yearly grants to nonprofits that “support the preservation, promotion, and advancement of American Indian self-sufficiency and culture in the United States,” according to its website.)

Devotees in college towns such as Austin and Boulder, Colo., soon began asking for the brand at local smoke shops. Park turned to getting the company licensed to sell cigarettes in every state. Michael Zercher, who worked for Santa Fe Natural after graduating college, remembers enjoining callers who were placing phone orders to tell their local tobacconists and liquor stores to stock the brand. “Here people are giving us a credit card and waiting to get a carton of cigarettes by mail,” Zercher said. “These were some very invested consumers.”

The late '80s were a good time to sell a cigarette by questioning just what was in cigarettes. In 1988 the Surgeon General deemed nicotine to be as addictive as heroin and cocaine, and a lethal habit. In 1994 congressional hearings on the dangers of tobacco, led by California Democratic Representative Henry Waxman, produced the unforgettable image of all seven heads of the major tobacco companies attesting that nicotine wasn't addictive. Big Tobacco was finally made to release a list of the 599 additives in their products.

Meanwhile, in Santa Fe, employees were showing up in shorts and bikinis to work for a niche tobacco company that was touting the results of an internal chemical test ranking its cigarettes lower in tar and nicotine by weight than those of 17 commercial brands. As the press began writing about American Spirit, Sommers passed along testimonials from customers who said they were smoking less after switching to his brand. A small upstart grocery chain called Whole Foods carried the cigarettes, as did local natural food stores. The brand couldn't lose for winning: Sued by American Tobacco for trademark infringement, American Spirit agreed to put the word “Natural” in front of its name.

The color palette of the cigarette packs expanded, too: a buttery yellow for “light,” sage for menthol. The company relocated from the rail yard to a two-story building that was once home to a laundry business on Santa Fe's main drag, Cerrillos Road. Hollywood adopted the brand; Sean Penn smoked Natural American Spirits in interviews. “Modeling agencies were buying them by the case,” Park said. A funeral home in Denver, he recalled, offered Natural American Spirit as part of a promotion: “We don't want to see you too soon, but if you smoke, smoke these.”

Sommers greenlighted a European campaign (first stop: Amsterdam). He also had to track regional copycats and police wholesalers who broke contracts by selling the brand at below-premium pricing. “Positioning in context is everything,” Sommers said. “I didn't want them going to 7-Elevens.”

In its print advertising, the company walked a fine line. According to Sommers, Santa Fe Natural was careful not to market to teenagers or suggest the cigarettes were anything except a better alternative for people who already smoked. Park was more insistent: “We never, ever made the argument that these cigarettes are less dangerous. I'm scared to death of lawsuits.

I rode very hard on anything I heard that sounded like a health claim.”

But there was a safe word that would do this work for them: “organic.”

Tobacco is a crop with many enemies, not all of them human. In the Coastal Plains region of eastern North Carolina, the heart of the state's flue-cured tobacco

production, growers deal with a leaf-damaging soil bacteria colorfully named Granville wilt. If you let them, various aphids will feast on tobacco leaves as they grow. And then there are the suckers—flower buds, sometimes smaller than an inch, that sprout like warts from the bottom to the top of a 6-foot-tall stalk. These wannabe flowers have to be destroyed repeatedly or they'll rob nutrients from the true cash crop: the sugar- and nicotine-rich leaves at the plant's highest point.

With so much labor involved, and the end result a cigarette, it's contradictory to add organic farming practices and layers of compliance paperwork to the equation. But that was the gambit Santa Fe Natural made in 1996 when it opened its first plant in Oxford, N.C., an old tobacco town 35 miles north of Raleigh, then three years later moved to a larger facility.

New Mexico remains a state of mind; the company's products haven't been made there since Drake and the Marions' Cuisinart days. Over the years, the farm-to-lung journey of a pack of Natural American Spirits carved a serpentine path from the fields of North Carolina, Virginia, and Kentucky to manufacturers in Lower Manhattan, South Miami, and St. Petersburg, Fla., before the cartons arrived in Santa Fe to be put into circulation back across the country.

“By adding the new plant we can also make sure our products never have any chemicals added, because chemicals will never even be brought into this building,” then-Santa Fe Natural Vice President Michael Little told the *Herald-Sun* of Durham, N.C., in 1999, when the \$4.5 million plant outside Oxford was christened.

I was eager to speak with Little, because Sommers and Park had extolled his blending skills as if speaking of a Michelin-starred chef. Before Santa Fe Natural hired him away, Little, known as “the source,” was a master blender at Maclin-Zimmer-McGill, a leaf distributor then based in Richmond, Va. Now he's president of Santa Fe Natural. Reynolds refused to make him available, and my entreaties through Sommers went nowhere.

Given his relationships, Little filled an urgent need. Sommers was best kept as the “ideas” person behind the organic wave in the tobacco fields. He didn't like traveling to rural North Carolina. “Too Southern,” he told me.

By the late '90s, many laid-off tobacco industry workers and growers were wondering how long they could continue. The government was reducing the amount of tobacco farmers could grow. Big Tobacco was breaking with a storied tradition by acknowledging its sins, tacitly, in the 1998 Master Settlement Agreement (MSA), in which the four largest cigarette manufacturers—Philip Morris, R.J. Reynolds, Brown & Williamson, and Lorillard—settled lawsuits brought years earlier by state attorneys general over smoking's drain on publicly funded health-care systems. The tobacco companies would pay billions annually, in perpetuity, to 46 states, the District of Columbia, and five U.S. territories. The industry further pledged to reform its advertising practices,

Blowing Smoke

Advertisements from 2008 (top) and 2012 promise purity and offer freebies



ds

carried the cigarettes

ceasing billboard ads and eliminating cartoon characters, such as Joe Camel, aimed at hooking kids.

No longer an outlier, Santa Fe Natural had to sign on to the MSA, too, but it was able to cut a deal to pay less because it was a younger company. Sommers watched as Big Tobacco redirected its advertising efforts. “What they did with the billions they were saving on now-forbidden advertising was go to retailers and say, ‘We’ll spend this money to put our cigarettes in this position on your shelf,’” he said. “You think we could match up to those guys?” Instead, Sommers kept talking up a cigarette filled with organic tobacco and made with “totally chlorine-free paper and biodegradable filters.”

Alex Watkins was an early convert to Santa Fe Natural’s organic program, becoming a supplier of PRC tobacco (“purity-residue clean”) in 1996. “I got in for the money,” he said. “I thought it was the future. I wasn’t making enough on the conventional side to feed my family.” He was standing next to a 5-acre field in Oxford bordered by rows of buckwheat and wilted, chewed-up sunflowers. That was a good sign—it meant the sunflowers had attracted leaf-eating aphids away from the tobacco plants, an alternative to spraying. The leaf’s journey starts in the ground and ends in a hot metal box, or “barn,” where the heat is cranked up to 165F so the tobacco dries in a way that preserves the leaf’s natural sugars and nicotine.

Watkins now has 300 acres of organic-certified land. “People just like that word,” he said. “And they feel so much safer smoking. I mean, look, you’re still sucking smoke in your lungs. Is it good for you? Hell no. But you ain’t gonna stop people from smoking. They enjoy it. But I guess they got a sense of feeling that it’s supposed to be better for you. Because, you know, it don’t have any chemicals. Whatever eases your mind, I guess.”

I met Watkins on the North Carolina Tobacco Tour, conducted each July by the departments of crop and soil science at North Carolina State University in Raleigh. Over two days, participants snaked along two-lane back roads between university extension farms and research stations, pausing in fields for presentations like “Interaction of Planting Density and Variety Selection to Leaf Yield and Chemistry.” The tour tends to attract insiders—leaf distributors, pesticide sales reps, agricultural extension agents. This year two research scientists from Japan Tobacco International were examining crops in the stultifying heat. Having spent \$5 billion for the right to manufacture and sell Natural American Spirit in Europe and Asia, JTI will for the time being continue to source its leaf through Santa Fe Natural’s Oxford manufacturing plant, a company spokesman said.

“Our growers tell us they share our strong interest in environmental sustainability and sustainable agriculture,” Fielding Daniel, Santa Fe’s natural leaf director, told *Tobacco Farm Quarterly* last year. “Many of them tell us they’ve seen a return of wildlife to their farms since they moved to organic production.”

Maybe so, but talking to people on the tour, the sense I got was that Santa Fe Natural has become Tobacco Road’s version of a fancy prep school—a great way to give your tobacco a leg up in the free market, provided you can afford the tuition. Just to qualify to grow organic, your field has to lie fallow for three years—a hardship for farmers who are locked into multiyear leases. In a place like Oxford, so close to Raleigh, urban sprawl is driving up the price of land.

Try as I might, I couldn’t get anyone on the tour to say that organic tobacco creates a superior smoke, much less that it’s better for you than conventionally grown tobacco. What gives a Natural American Spirit cigarette its slower burn and strong taste? Leaf position, I was told by people like Watkins. Density. Blending. Eschewing stems or scrap as filler.

Celebrity Market Share

The revolving multi-generational cast of famous people who smoke Natural American Spirit (NAS), or “just quit,” are a source of free advertising.



Health e-Mogul Mom
Gwyneth Paltrow, 44, told *Harper’s Bazaar* that she has one NAS a week, on Saturdays.

I drove over to Santa Fe Natural’s plant, hoping for a tour. I got as far as the guard gate. The scene failed to live up to the never-ending Bonnaroo festival depicted on Santa Fe Natural Tobacco’s website. Where were the headscarf-wearing millennials playing games of mud volleyball? This was an office park, nicely manicured at the entrance and fenced off. I followed the plant’s circumference for half a mile before turning around. At the gate, I asked for Little, the president, and then Daniel, the leaf director, but the guard, who had a pack of Newports on his desk, said neither was on his roster of contacts.

I didn’t start smoking until age 20, progressing from Marlboro Lights to Camel Lights to Natural American Spirits, with a brief stopover in Merit country. Although I recently reached 50, I’ve never tried to stop. Too much about my day is tied up with the stress relief and meditative pause of smoking. An e-cigarette? I tend to agree with the character on HBO’s *True Detective* who likened the device to a robot’s phallus. That I’m not a parent has undoubtedly affected my continuing habit, while the deaths of both my parents from cancer haven’t. I love the experience and hate the addiction. I don’t want to quit, and I’m afraid to die.

“Understanding the noxious effects of cigarettes is not usually sufficient reason to cause anyone to stop smoking or resist starting. ... Indeed, it could be argued that few people would smoke if cigarettes were actually good for you,” Richard Klein wrote in his 1993 book, *Cigarettes Are Sublime*. “The noxious character of cigarettes—their great addictiveness and their poisonous effects—constitutes the absolute precondition of their troubling, somber beauty.” Klein’s book is a Swiftian attempt to go beyond politics and, yes, ennoble the cigarette’s contributions to modernity (as Sartre’s writing fairy, as the soldier’s indispensable coping mechanism). “It is useful to recall,” Klein wrote, echoing American Spirit’s founding fathers, Drake and Robert Marion, “that in pre-Columbian times it was considered to be a god, a minor divinity that found acolytes among American Indian tribes stretching from the Iroquois of New York to the Mayans in the Yucatán.”

Klein quit smoking after writing the book, and he’s stayed quit. I was hoping for some similar catharsis when I went to Santa Fe to meet Sommers. But he wasn’t a mystic; he was somebody who drove a Toyota FJ Cruiser and wore a nice tan suit. The night I arrived, we went to dinner at the Compound, a tony restaurant in the heart of the gallery district, where Sommers told me that when he was 2 months old, his father was killed by a German sniper after landing at Omaha Beach on D-Day. Over two days of conversation, the only time I saw Sommers get perturbed was on the topic of his pack design. “They’ve ruined it,” he said, pointing out that the Great Spirit mascot is no longer in the center of

Art Legend

Photographer William Eggleston, 77, chain-smokes the brand.



Model/Influencer

Alexa Chung, 33, often brandishes an NAS on her Instagram (2.5 million followers).



Rebel Boomer

Heavy smoker Sean Penn, 56, puffed an NAS on the cover of *Vanity Fair*.



Hip-Hopper

Mac Miller, 24, lauds the menthols and had the NAS thunderbird tattooed on his chest.



the pack, but pushed down and off to the side.

Attorneys at Jones Day, the global firm defending Reynolds in the consumer-fraud class action, had recently been in touch with Sommers. A prolific writer of memos as a CEO, he said he'd been thinking about asking them to return his files so he could write a memoir. That might be difficult just now.

Far more than in government circles, the individual and class-action litigation industries are where tobacco control simmers. The U.S. Food and Drug Administration was given oversight of the tobacco industry with the passage of the Tobacco Control Act in 2009. Last summer the agency sent a letter to Reynolds and Santa Fe Natural warning the companies that the descriptors “natural” and “additive-free” constituted a false marketing of a “modified risk product,” a violation of federal law. (Cigar and cigarette retailer Nat Sherman and ITG Brands, maker of Winston “additive-free” cigarettes, also received letters.) The warning “is a milestone and a reminder of how we use the tools of science-based regulation to protect the U.S. public from the harmful effects of tobacco use,” Mitch Zeller, director of the FDA’s Center for Tobacco Products, said at the time.

More than a year later, there’s been little movement. In correspondence between the agency and Reynolds, released to the Minnesota Public Health Law Center under the Freedom of Information Act, a compromise is hinted at, but the details are redacted. The FDA declined several requests for clarification.

“Now we are 11 months since the warning letters were issued, and the public knows nothing about what happened,” said Matthew Myers, president of the Campaign for Tobacco-Free Kids. It sees no visible sign of change from Reynolds in terms of how the product is marketed. “Reynolds has two growth products,” he added. “Newport menthol, which is targeted to and used by the poor and African Americans, and American Spirit, where they’re clearly targeting people who are concerned about their health.”

Neither Myers nor anyone else who’s seen the tobacco industry adapt to an ostensibly harsher regulatory and cultural environment expects Santa Fe Natural Tobacco to be brought to its knees anytime soon. In the 1960s, after the first Surgeon General’s report linking smoking to fatal disease was published, Big Tobacco created cigarettes advertised as light and low-tar. Sales boomed for decades, until the companies were found to have conspired in burying research showing that such cigarettes were no safer than full-flavored ones. The legacy of this? Marlboro Lights were rebranded as Marlboro Gold.

Court dockets are still crowded with injury and fraud cases against the major cigarette manufacturers. Consider the case of *Engle v. Liggett* in Florida. In 2000 a jury awarded a class of smokers \$145 billion in punitive damages for injuries resulting

from cigarette addiction. Ten years later, the state Supreme Court decertified the class, while permitting individuals to sue based on fact-finding from the original trial. The thousands of lawsuits that have emanated from this ruling (dubbed “Engle progeny” cases) motor on in Florida state courts. The Minnesota Public Health Law Center estimates that the Engle cases, which began in 1994, will be “fully resolved by the year 2075.”

Nationwide, multimillion-dollar jury verdicts against tobacco companies make periodic headlines as if from a distant, perpetual war. On the regulatory front, FDA oversight ensures that no new “additive-free” cigarette can reach the market, all but protecting Santa Fe Natural Tobacco’s dominance of the category. Scott Schlesinger, lead plaintiffs’ attorney in the consumer-fraud class action against Santa Fe Natural Tobacco, doesn’t expect “pre-litigation litigation” to end until 2018. He called the modern-day tobacco industry “a law firm that sells cigarettes.” Schlesinger should know. He’s based in Florida, where he tries Engle progeny cases. On the phone, it wasn’t hard to get him going about Natural American Spirit, a brand he called “this fabulously successful continuation of the health reassurance fraud that goes all the way back to 1953.”

He seemed particularly eager to challenge the “additive-free” claim for the company’s menthol cigarettes, Natural American Spirit Green and Dark Green. “I’m certain that when you put the menthol in the filter, they know full well that it volatilizes, it goes from a solid to a vapor, and it distributes throughout the packaging and is present in the tobacco,” Schlesinger said. “What difference does it make if you light the end of the cigarette and suck it, and the tobacco mixes with the menthol in the filter and you get menthol that way.” He started to yell. “You’re not ingesting tobacco, you’re inhaling smoke. The smoke contains the smoke and the menthol. Which is an additive, which is a deceit to tell anyone it contains no additives. It contains a tremendous additive—menthol.”

When I asked Sommers about the menthol, he said, “The flavoring was from organic menthol crystals that were in the filter, not in the tobacco. It was pure mint.”

We were sitting on his deck, and the mountain air was pleasant. If Reynolds’s motion to dismiss is denied, the fraud trial will unfold in Albuquerque, an hour’s drive from the rail yard where Sommers mailed out his first cartons of American Spirit some 30 years earlier. He ticked off the color palette of the natural world that inspired his packs—the turquoises and tans and oranges and maroons that came to mean additive-free or organic, filter or non-, mellow or full-bodied, light or ultralight. At one point, Sommers introduced a nontobacco blend using American Indian-themed herbs such as yerba santa, horehound, mullein, and corn silk. The product didn’t take. **E**