

Tobacco

FACTS

FOR MPs

“ I was 12. They knew it caused cancer and they knew it was addictive. ”

Rolah McCabe, 51. Dying of lung cancer.

Consumer fraud, cover-ups, deception – has the tobacco industry changed?

BAT’s lawyers linked to document shredding...

The tobacco industry’s latest claim that it is “socially responsible” suffered a major setback when British American Tobacco, the world’s second-largest tobacco company, was found by the Victorian Supreme Court to have shredded thousands of damaging documents to deny a lung cancer victim and future plaintiffs a fair trial.

Justice Eames struck out BAT Australia Services Ltd’s defence against a negligence suit brought by Mrs Rolah McCabe, a 51-year-old Melbourne woman dying of lung cancer after becoming addicted as a 12-year-old child.

The judge found W.D.& H.O. Wills (later BAT) and its lawyers Clayton Utz had subverted the court’s discovery processes “with the deliberate intention of denying the plaintiff a fair trial”. He said BATAS had:

- deliberately destroyed thousands of documents likely to be of use to future plaintiffs;
- misled the court about what had become of the documents; and
- “warehoused” material offshore in order to make it less accessible to courts.

BAT has appealed against the decision – presumably arguing that there wasn’t a shred of evidence.

More at www.ashaust.org.au/mediareleases/mr_20020411.htm

... and why they shredded them

Very few consumers are aware of the effects of nicotine, i.e., its addictive nature and that nicotine is a poison.

BAT internal memo, 1978 (BW1486959)

Internal tobacco industry documents still coming to light following successful litigation in the USA reveal why the industry is reluctant to let its secrets fall into the hands of health authorities and lawyers.

Documents that have escaped the shredder confirm what Rolah McCabe said: the tobacco industry knew their product was harmful and addictive long before telling the public; and that they continued to push it, particularly to children.

June 2002



Tobacco chiefs to US House of Reps Energy and Commerce Committee hearings, 1994

And not only BAT but Philip Morris...

- As far back as 1963, scientists told Philip Morris (PM) that tobacco contained nitrosamines – “the most potent carcinogens known.” The report was kept secret.
- In 1978, internal tests showed “high pesticide residue levels” in PM cigarettes. Kept secret.
- Several documents from 1969 to 1978 acknowledge that tobacco is addictive – but urge that this be “buried” and “not go beyond these walls.” Publicly, the industry continued to deny right up to 1997 that tobacco was addictive.
- Several documents talk strategy on “new smokers” (euphemism for children – as 9 out of 10 new smokers are teenagers). PM (1990) documents say age groups under-15 and 16-24 represent “significant market opportunity” and that “flawed” premise of nicotine addictiveness should not be put to children.



Cancer Foundation WA

An information bulletin for MPs from Australia’s leading health organisations:

Action on Smoking and Health, Australian Medical Association, The Cancer Council Australia and National Heart Foundation.



Tobacco Facts for MPs

THEN

A long record of duplicity

For nearly three decades, Anglo-American transnationals engaged in a global conspiracy to conceal from consumers what they knew about the addictiveness and harm caused by their products and their targeting of children. To this day, the tobacco industry is still reaping the benefits of past conduct including smoker reassurance campaigns, the propagation of false science and illegal tobacco sales to over 269,000 children (1999).

More on "Operation Berkshire" by Francey & Chapman in the *British Medical Journal*, 5/8/2000, at bmj.com/cgi/content/full/321/7257/371

NOW

Light and Mild = Deceptive and Deadly

The tobacco industry is still misleading consumers over so-called "Light", "Mild" and "Low Tar" brands. Labelling cigarettes as 'light' and 'mild' offers smokers a false sense of security based on slick marketing and the misuse of words. Industry documents reveal that companies recognised that these products were as dangerous as regular cigarettes – but continued to push them as healthy alternatives. In so doing, many smokers are still smoking "lights" conned into believing that "light" means safer.

Light cigarettes - a consumer fraud: full report at www.hc-sc.gc.ca/hecs-sesc/tobacco/facts/mild/index.html

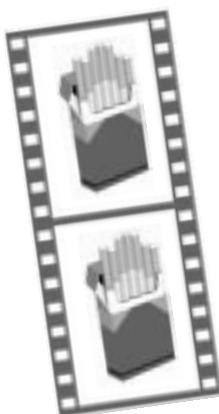
They say they don't want kids to smoke - but do they mean it?

Whilst claiming for years that they didn't want children to smoke, industry documents confirm children were a major commercial target. This year alone, the tobacco industry will profit from a massive \$100m worth of cigarette sales to children, despite laws banning sales to minors.

See article by Hill et al, ANZJPH April 2002

The latest industry weapons in the competitive hunt for teen addicts include:

- The glamorisation of smoking in films including megastar appearances by Philip Morris's leading brand Marlboro in 28 blockbuster movies in 10 years. Although tobacco companies say they are no longer behind tobacco promotions in films, research shows that the smoking rate of Hollywood film characters is up to 300% higher than it is for comparable people in reality.
- Sponsorship of rave parties for teens where tobacco products are promoted in association with free drinks, gifts and other popular youth brands. NSW Health has challenged Philip Morris and Wavesnet in the Sydney Magistrates' Court over these latest youth marketing campaigns.



ACCC's tobacco report needs to go further

The Australian Competition and Consumer Commission's report to the Senate on the ACCC's investigation into tobacco industry conduct was criticised by health groups as too narrow and needing to go further. Health leaders have urged Parliament and the ACCC to use their powers to make the tobacco industry accountable through a range of legislative and legal options for seeking relief – including legal action, levies, licensing fees and surcharges on company profits.

Government lag: public wants tougher controls

The latest survey of 27,000 Australians over 14 years of age shows public opinion is way ahead of governments – with strong majority support for tougher tobacco measures, including 91.2% support for stricter law enforcement of illegal sales and 60.8% for smokefree pubs and clubs.

AHWW, "2001 National Drug Strategy Household Survey at www.aihw.gov.au/.



LATEST COURT CASES AND INQUIRIES:



Jury orders Philip Morris to pay AUD\$282m

In March 2002, an Oregon, US Jury found that a "low tar" brand misled a smoker and ordered Philip Morris to pay the family AUD\$282m in punitive damages. The Jury found that the cigarettes sold as low tar are just as dangerous as regular brands and that the company had falsely represented the brand as healthier.



Ex-smoker's \$230m fight to make tobacco firms fund health support

A 39 year old emphysema sufferer and lung transplant recipient Myriam Cauvin commenced two legal actions on 17 May in the NSW Supreme Court seeking reimbursement for her medical treatment and ongoing medication costs of \$800 a week. In the second action, the single mother is seeking to establish a \$230m fund for smokers costs based on a refund of the money paid by smokers to tobacco retailers under state licence fee schemes held to be invalid by the High Court in 1997.



Imperial chief called to answer contraband claims

The UK Chief Executive of Imperial Tobacco, the third entrant in the Australian market, has been required to appear before a UK parliamentary committee to face questions about cigarette smuggling. Since 1997, there have been several court cases and official investigations in different parts of the world alleging that the industry has been involved in supplying smuggled cigarettes.

More at factsheets.globalink.org/en/smuggling.shtml

Parliamentary Questions Service

If you would like further information or assistance with a tobacco-related question, please contact ASH on 02 9334 1876/1823 or go to www.ashaust.org.au