

Pittsburgh Lawsuit
Special PR No. 34-62
Thursday, October 11, 1962

Confidential for Members

Otto Pritchard vs. Liggett & Myers Tobacco Company

Reading of Benjamin Few's deposition was concluded Thursday and the depositions of Arthur Godfrey and Dr. Walter Carroll were read. Court was adjourned until 10 A.M. Monday, October 15, when Dr. Alton Ochsner is expected to testify. There will be no session Friday because of the Columbus Day holiday.

In his deposition, Godfrey was questioned about Chesterfield commercials he broadcast during his association with Liggett & Myers Tobacco Company as a radio-television entertainer. He was questioned particularly about commercials based on the smoking panel study conducted for the company by the Arthur D. Little consulting firm.

Transcripts of various commercials broadcast by Godfrey prior to December 1953 were read to the jury by plaintiff's attorney McArdle. These were offered and admitted in evidence.

Dr. Carroll, of Arlington, Massachusetts, was the otolaryngologist who at bimonthly periods examined the 30 members of the smoking panel set up by the Little consulting firm. He said in the deposition that he began the examinations early in 1952 and continued them for about 26 months.

The doctor's case notes on four of the panel members, in which he had written they had coughs and other transitory symptoms for brief times during the study, were offered in evidence. McArdle then read to the jury excerpts from two of the case notes that dealt only with what he said were "abnormalities." Defense counsel Eckert pointed out to the court that the full case notes said these symptoms disappeared and the judge said Eckert would be permitted to read to the jury what McArdle had omitted.

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Pittsburgh newspapers have continued daily trial coverage. Little national pick-up has been observed except for a pre-trial story in the Wall Street Journal. United Press International wires carried a brief story Thursday on the testimony of Dr. Fletcher Wednesday.

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