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The documents contain no evidence whatsoever that the companies suppressed any information or that they conspired among themselves to confuse the public about smoking and health. On the contrary, the documents show an industry that, faced with health allegations, explored them with massive research and acted responsibly to modify their products even though the scientific evidence was inconclusive about what, if anything, was causing a problem.

The Industry and Health Research

The principal health issue facing cigarette companies in the 1940s stemmed from complaints by smokers that smoking was irritating their throats and nasal passages. The companies responded to this concern by adding humectants (moisturizers) to their cigarettes and then conducting tests that demonstrated the improved cigarettes were less irritating to the throat and nasal passages.

The situation confronting the tobacco industry began to change in the early 1950s with the publication of the first substantial epidemiological studies indicating a statistical association between cigarette smoking and lung cancer. Those studies, like all epidemiological evidence, did not prove that cigarette smoking caused lung cancer; they indicated only a statistical association warranting further review.

The industry reacted to these studies by engaging in a massive research effort to assess the health criticisms of smoking, to determine the basic causes of cancer and to learn what, if anything, might be carcinogenic in cigarette smoke.

While several companies launched research efforts on their own, in 1954 a number of companies joined together to establish and

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fund the independent Tobacco Industry Research Committee, subsequently renamed the Council on Tobacco Research (CTR). The principal purpose of the CTR is to provide funding for experiments by independent, outside scientists into smoking and health issues, including the concerns expressed over lung cancer.

The CTR does not restrict the dissemination of research results whether they are positive or negative from the industry's perspective. Grantees are free to publish their research results in scientific journals. Between 1954 and 1986, the CTR's independent board of advisors awarded 969 grants to 522 scientists who reported their research results in more than 3,000 scientific papers. These papers were published in such prestigious journals as the Journal of the National Cancer Institute and the New England Journal of Medicine.

Industry members have also contributed more than \$25 million to a number of research facilities for other independent research into smoking and health. These research facilities include the National Research Fund of the American Medical Association (for cancer, heart disease and respiratory problems), which published the results as a 1978 book entitled "Tobacco and Health;" Washington University in St. Louis (for cancer immunology) and Harvard University (for respiratory diseases).

Skin Painting and Whole Smoke Tests

In 1953, Ernst Wynder published the results of experiments that involved painting smoke condensate on the backs of mice. The condensate was derived by collecting smoke from hundreds of cigarettes, solidifying it at extremely low temperatures, and then mixing it with solvents such as acetone. This technique resulted in skin cancer tumors on the backs of the mice.

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Similar animal studies, which use mice that are specially bred to be extremely sensitive to any possible carcinogenic activity, have shown such common items as sugar and the lactic acid produced in human bodies to be carcinogenic. Thus, no responsible scientist can use mouse skin painting tests of this nature by themselves to predict human cancer.

In the mouse skin painting studies, the doses of smoke condensate applied to the mouse's back are massively greater than the doses of the particulate matter that a smoker would encounter in a normal smoking situation. Given these circumstances, the tobacco companies have sponsored animal studies by independent scientists that more closely resemble the human smoking condition, experiments in which the animals inhale fresh, whole smoke. To this day, those studies -- both independent and industry-sponsored -- have failed to find experimentally produced lung cancer in any of the thousands of laboratory animals subjected to fresh whole smoke.

Product Modifications

Throughout the last three decades, tobacco companies have responded to issues raised by mouse skin painting studies by mounting their own research efforts to change their products so as to reduce those smoke elements which raise concerns in animal studies. These efforts, which cost millions and millions of dollars, have yielded many changes including the following:

- o Improved filters to reduce the amount of "tar" inhaled by a smoker. In 1955, an average cigarette delivered 37 milligrams of "tar." Today, ultra-low "tar" brands deliver as little as one or two milligrams of "tar" per cigarette, a 95 percent reduction from the 1955 level.

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- o Developed filters designed to eliminate or reduce to the most minute quantities certain allegedly harmful constituents such as phenols.
- o Designed methods for diluting cigarette smoke with fresh air in order to reduce "tar" delivery still further. First used in the late 1950s, this process has developed from mere pin pricks in filter material to the present technology in which lasers make microscopic holes throughout the entire cigarette paper to allow more complete dilution.

Can there be a "safer" cigarette? The federal government engaged in a decade-long search for a "less hazardous" cigarette beginning in 1968 through the Tobacco Working Group (TWG) which was under the auspices of the National Cancer Institute. However, after a decade of work, the TWG was disbanded because the government concluded that development of a "less hazardous" cigarette was not possible. In 1981, the work of the TWG was reviewed by the Surgeon General who issued his own report concluding "that the search for less hazardous cigarettes has not yielded a product which can be considered 'safe'." This 1981 conclusion covered Liggett's paladium-nitrate process which was publicly disclosed with great fanfare four years before the government concluded that no "safe" cigarette had been found.

The Product Liability Catch-22

While these activities -- the funding of scientific research into cancer causation and the development and introduction of product modifications -- continue to this day, the tobacco companies find themselves in a Catch-22 situation when it comes to anti-smoking zealots and plaintiff attorneys who seek damages in product liability suits against the companies. According to them:

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- o To the extent that the industry has conducted research on the possible health impacts of smoking, that research is inadequate and biased since it has failed to prove what these groups believe to be the case;
- o To the extent that the industry has communicated internally about the findings of its own research or the research of others, those discussions are not seen as evidence of responsible discussions of research findings but are seen as evidence of "knowing the risks" of cigarettes;
- o To the extent that the industry has communicated externally about research issues, that is described as a "public relations conspiracy," and to the extent that the industry has not communicated, that is described as a "cover-up;"
- o To the extent that the industry responsibly launched efforts to modify its products and to reduce the presence of smoke elements which appear biologically active in animal tests, this is portrayed as evidence that the industry "knew" that cigarettes "caused cancer."

This "damned if you do, damned if you don't" view flies in the face of fact and a historical record that clearly shows the industry, as a whole and as independent companies, has acted in a responsible manner in responding to the smoking and health concerns of the public. They have, in fact, helped those discussions proceed. They have not withheld information but have added to the information available to the public, the medical community and policy makers. And they have responsibly tried to reduce the presence of certain smoke elements which have been implicated in animal tests, even though they know there is only limited evidence to suggest that those elements represent health dangers to smokers.

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Briefing materials, CEO remarks, \$12,000
group session, management supervision
(includes account team time at
videotaping, post production)

TOTAL \$73,750

All costs at ± 10%

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Position Paper/Backgrounder
Documents/Industry's History
Second Draft
May 11, 1988

TOBACCO COMPANY DOCUMENTS:

A RECORD OF RESPONSIVENESS AND RESEARCH

A voluminous quantity of private, tobacco company documents were released to the public during the Cipollone trial. These documents were obtained by plaintiff attorneys during the discovery process for that case. When viewed in their entirety, and not in a distorted, piecemeal fashion, the documents show that the tobacco companies have been both responsive and responsible in addressing research findings about smoking and health.

The documents show that, faced with research that implied an association between smoking and health, the industry:

- o Has funded vast amounts of scientific and medical research to determine precisely the basic causes of cancer and tobacco's relationship, if any, to the disease.
- o Has communicated the results of that and other research, whether they cast a favorable or unfavorable light on tobacco, in an effort to create a foundation of clear and balanced information for smokers and the government.
- o Has worked to redesign its products to reduce those elements of tobacco smoke that some researchers conducting animal tests have asserted might be harmful.

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