

PM LEGAL ACTIONS

Philip Morris has taken a strong, pro-active stand on several fronts lately, including legal action to redress wrongs perpetrated against the company and the industry.

In the past few months, Philip Morris has been a party to law suits initiated against: the Environmental Protection Agency (EPA); the City of San Francisco; and the ABC Television news program "Day One."

Following is a brief description and status report on each action.

- **The EPA Suit.** Philip Morris has joined with several other tobacco industry plaintiffs to file suit against the EPA in federal court. The suit seeks an injunction to compel the agency to withdraw its classification of ETS as a "carcinogen." The claim is based on the shoddy science and manipulation of data employed by the EPA in preparing its ETS risk assessment. Currently, we are awaiting a ruling by the court on the EPA's motion to dismiss our lawsuit based on a number of technical legal arguments having nothing to do with the merits of the case. The action cannot proceed further until these issues are resolved.
- **The San Francisco Suit.** A group of businesses, including Philip Morris, has filed suit against the city and county of San Francisco, asking that its recently enacted smoking ordinance be declared invalid. The ordinance bans smoking in enclosed workplaces and the ban will be extended to restaurants in January 1995. The lawsuit charges that the San Francisco ordinance is preempted by state and federal occupational safety and health laws, that it violates provisions of the California constitution by exceeding local authority and by denying plaintiffs due process. [STATUS?]
- **The "Day One" Suit.** On March 24, 1994 Philip Morris initiated a libel suit against ABC Television. In the complaint Philip Morris charges that ABC knowingly made a number of false allegations against Philip Morris on its news program "Day One," and that both Philip Morris Companies Inc. and Philip Morris U.S.A. have been severely damaged by the false and defamatory statements made by ABC. Philip Morris is seeking \$5 billion in

2024253190

compensatory damages and \$5 billion in punitive damages
from ABC. [STATUS?]

2024253191