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THE DECISION IN THE GUN PALM ISSUE  
PRESS RELEASE

The decision in the Gun Palm case is not a ruling on the impact of ambient smoke on non-smokers in general says the Secretary of the Swedish Tobacco Trade Association in a statement. Sweden's Social Insurance Supreme Court has made a ruling which only concerns Swedish labour insurance compensation. consequently the ruling does not establish any medical proven connection between "passiv<sup>e</sup> smoking" and lung cancer.

In the Swedish occupational injury insurance system, the plaintiff is required to establish only the theoretical possibility that a certain factor in the work place could have caused his/her injury. Thus, the Supreme Insurance Court's ruling does not establish a scientific and proven link between passive smoking and lung cancer. What it merely states is that, in the absence of evidence to the contrary, there subsides a theoretical possibility that Mrs Palm's illness was caused by the smoking of fellow colleagues at work.

In ordinary civil court proceedings in Sweden Mrs Palm's estate would have had to prove that her lung cancer was actually caused by ambient smoke. Indeed, given Sweden's unique burden of reversed proof rule in occupational injury insurance cases, no such proof was required here, says Per Anders Kull.

Recent studies on passive smoking have concluded that there is no valid scientific evidence to support the claims that ambient smoke can cause health problems.

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Gun Palm, a non-smoker, was born in 1926. She entered the labour force in 1943 and continued working until 1949. She was a housewife for the next 13 years. Between 1962 and 1970, she worked full time (40 hrs/wk), and for an

additional six years, part-time (30 hr/wk) in a large office with smokers and non-smokers. Between 1976 and 1981, she worked in an office with non-smokers.

Gun Palm became ill from lung cancer in 1980. She died in 1982. A request for compensation was filed with the Gothenburg social insurance office based on an occupational injury which she claimed to have received during the 14 years she worked in an environment where people smoked. The social insurance office denied this request. This decision was appealed to the Regional Social Insurance Court in Jönköping, which called in four experts. The testimonies given by these four experts ranged from stating that there is a direct relationship between passive smoking (the smoke a non-smoker breathes in an environment where people smoke) and diseases to stating that no relationship exists. The court ruled in favour of Gun Palm's estate. Subsequently, the National Insurance Court which has confirmed the ruling of the Regional Social Insurance Court.

Further information in this question can be obtained from the Secretary of the Swedish Tobacco Industry Association Mr Per Anders Kull, tel \_\_\_\_\_ or by the chairman Mr Åke Sundquist, tel \_\_\_\_\_

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