

18 October 1985

GUN PALM ISSUE
PRESS RELEASE DRAFT

The (date) decision by Sweden's Social Insurance Supreme Court, which awarded occupational injury insurance compensation to Mrs Gun Palm's estate in a case involving environmental tobacco smoke (ETS) is not a ruling on the impact of ETS on non-smokers. It is a ruling which only concerns Swedish labour insurance compensation. Consequently the ruling does not establish any proven connection between ETS 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 an injury. Thus, the Supreme Insurance Court's ruling does not establish a scientific and proven link between ETS and lung cancer. What it merely states is that, in the absence of evidence to the contrary, there exists 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 ETS. Indeed, given Sweden's unique burden of reversed proof rule in occupational injury insurance cases, no such proof was required here.

Recent studies on ETS have concluded that there is no valid scientific evidence to support the claims that ETS can cause disease.

2501073904

A 1983 U.S. government sponsored workshop of current research on possible effects of ETS on the non-smoker conducted at The National Institute of Health*, concluded that such effects, if any, range from "negligible to quite small." The international symposium on "Passive Smoking from a Medical Point of View," April 9-12, 1984** concluded that a lung metabolism changes, effected by ETS, cannot be proven.

Furthermore, in 1985, Prof. H. Schievelbein of the German Cardiac Center, in Munich, concluded after extensive research on ETS, that "available findings from analytical, epidemiological and dosimetric investigations do not verify the claim that passive smoking represents a general health risk for healthy adults."

The present ruling involved the case of a woman, Mrs Gun Palm, who requested that the lung cancer she had contracted be classified as an occupational injury. She based her claim on the fact that she had worked for many years in an office where her colleagues smoked.

* "Workshop on Respiratory Effects of Involuntary Smoke Exposure: Epidemiologic Studies," May 1-3, 1983, Bethesda, Maryland.

** Held in Vienna under the auspices of various Societies for Occupational Medicine and under the patronage of the Austrian Federal Ministry of Health, in cooperation with the World Health Organisation (WHO).

2501073905

Mrs Palm died in early 1982, and the claim was pursued by her husband, Mr Palm. After the Gothenburg Insurance Fund decided not to allow Mrs Palm full compensation under the Occupational Injury Insurance Act, considering that she had not been exposed to an "injurious influence at work," Mr Palm requested a reexamination of the Fund's decision. In summer of 1982, the board of the Insurance Fund voted not to amend its earlier decision, thus denying full compensation to Mrs Palm's estate.

In the fall of 1983, the Insurance Court overturned the Fund's decision and ruled that Mrs Palm's illness was occupationally related. Her estate was awarded full compensation. Subsequently, the National Insurance Board filed an appeal with the Supreme Insurance Court and asked for a report by the National Institute of Environment Medicine which noted among other things that Mrs Palm's work history included 18 years in shipbuilding yards where she may have been exposed to both asbestos and radon.

For further information, please contact:

Mr Per-Anders Kull, Secretary of the Swedish Tobacco Branch Association, Stockholm, tel. 08 / 69.09.00

Mr. Sten Zethraeus, Lawyer, Advocatfirman Lagerlöf, Stockholm, tel. 08 / 67.94.00

2501073906