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GUN PALM ISSUE
PRESS RELEASE DRAFT

definitive A. ?

The (date) decision by Sweden's Social Insurance Supreme Court, which awarded occupational injury insurance compensation in a case involving passive smoking, is not a definite ruling on the impact of ambient smoke on non-smokers. It is a ruling which only concerns Swedish labour insurance compensation.

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.

Mrs. Palm died in early 1982, and the claim was pursued by her husband, Mr. Palm. After the Göttenburg 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 (NIB) filed an appeal with the Supreme Insurance Court.

In deciding in favour of Mrs. Palm's estate, this last instance ruled that a connection between passive smoking and lung cancer cannot be totally disproved. In the Swedish social insurance court system, the plaintiff is required to establish only the theoretical possibility that a certain

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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 passive smoking and lung cancer. What it merely states is that, in the absence of given verifiable evidence, there subsides a theoretical possibility that Mrs. Palm's illness was caused by the smoking of fellow colleagues at work.

ie. in absence of evidence to the contrary

does this mean in all other countries? - we might want to keep it vague.

In ordinary civil court proceedings in Sweden and elsewhere, Mrs. Palm's estate would have had to prove that her lung cancer was actually caused by ambient smoke.

- Just suggesting that we should learn what we mean.

No such testimony was required in this case. The four experts in the field of occupational medicine who testified reflected the serious lack of worldwide medical and scientific consensus on the issue of health and ambient smoke. The two experts who expressed opinions that ambient smoke could be a cause of lung cancer relied largely on two 1981 studies (Hirayama and Trichopoulos et altera) which have since been seriously disputed by a segment of the scientific community. However, no critical assessment of these studies was considered by the court or, indeed, was germane to the case given Sweden's unique burden of proof requirement. *isn't can we use stronger language? ie. "concluded."*

More recent studies on the issue have documented that there is no valid scientific evidence to support the claims of anti-smoking zealots that ambient smoke can cause health problems. The Second Workshop on Environmental Tobacco Smoke conducted at the University of Geneva, Switzerland in 1983, concluded that "available evidence does not confirm that tobacco smoke in the air causes chronic health problems."

A 1983 U.S. government-sponsored workshop of current research on possible effects of ambient smoke on the non-smoker, conducted at The National Institute of Health, concluded that such effects, if any, range from "negligible to quite small."

Sponsored by the World Health Organization,

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The 1983 World Conference on Smoking and Health, approved a resolution stating that the cause for the danger of smoking to non-smokers has not been proved and needs further research.

Furthermore ^{in 1975} Prof. H. Schivelbein of the German Cardiac Center, in Munich, concluded after extensive research on "passive" smoking, 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 only new evidence considered by the National Social Insurance Supreme Court was a report by Sweden's National Institute of Environmental Medicine (SML) which came to two ambiguous conclusions.

It first concluded: "It is impossible to determine with certainty the causal relationships leading to the occurrence of an individual case of cancer." And the report noted that Mrs. Palm's work history included 18 years in shipbuilding yards where she may have been exposed to both asbestos and radon.

I find this confusing, can the work history be stronger factors refute a causal relation between passive smoking in the work environment and lung cancer in the present case.

The report also concluded: "...it does not appear that stronger factors refute a causal relation between passive smoking in the work environment and lung cancer in the present case."

In other words, the report stated that a causal relationship between ambient smoke and Mrs. Palm's lung cancer could not be proved or totally disproved.

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* Is this the same as the Vienna Conference, April 1984? We could effectively cite the summary of Prof. Gostomir & Frank (GHA) at this Conference as follows:

"Based on the results of the more recent thorough scientific analysis, the opinion that passive smoking should
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→ Iqiri or a list of Cancer producing
environmental factors is no longer tenable:

('Third Report', Isch, H.M.S.O. 1983, AND
'Passivrauchten Aus Medizinischer Sicht',
J.G. Gostomzyk and R. Franke, Oeffentl.
Gesundheitsw. 46, 582 - 587, 1984).