

Canadian trial against Big Tobacco starts

March 12 2012, by Michel Viatteau

Nearly two million Canadians claimed \$27 billion from leading tobacco companies at a trial that opened Monday for allegedly failing to adequately warn them about the danger of smoking.

Plaintiffs filed two separate class actions that were combined into Canada's biggest-ever civilian lawsuit in the Superior Court of Quebec. The three defendants are Imperial Tobacco Canada (a BAT subsidiary); JTI-Macdonald; and Rothmans Benson & Hedges.

The first class included 90,000 current and former smokers in Quebec who say they fell ill with a range of smoking-related ailments, including emphysema and throat and larynx cancer. They are seeking \$105,000 per person.

The second suit was filed by 1.8 million current smokers who say they are unable to quit the tobacco habit and are seeking \$10,000 per person.

Lawyer Bruce Johnston, speaking on behalf of smokers and ex-smokers, accused the tobacco companies of "duplicity" for knowingly selling a "harmful product" while hiding or "trivializing" the health risks to consumers.

Johnston in his opening remarks said the firms "spread false information" about their products, and chose "not to use tobacco with a level of nicotine so low that it could have effectively put an end to the dependence of a large number of smokers."

According to court documents, the plaintiffs accuse the Canadian tobacco companies of hiding research which has established a link between smoking and serious health problems like cancer.

The suit also alleges that tobacco firms in Canada have tried to manipulate the levels of nicotine in their cigarettes, increasing the levels of dangerous tar, and have even added products such as ammonia.

Johnson asked the judge to consider whether the companies "conspired to prevent smokers from becoming informed about the inherent dangers of smoking."

He also accused tobacco companies of hiring a "stable of scientists" to cast doubts on negative studies by labeling them "controversial, as a pretext to do nothing."

He also decried widespread "sophisms" touted by the industry such as "cigarettes are legal," "smoking is a personal choice," "everyone knows the risks" but it is impossible to prove a direct link to health woes, blame the government, and "victims have only themselves to blame."

Plaintiff lawyer Andre Lesperance even suggested that tobacco firms withheld or destroyed scientific data that showed the harmful effects of smoking.

Deborah Glendinning, a lawyer for Imperial Tobacco Canada, was unmoved by the arguments presented so far.

"They don't have a case," she told reporters during a break in the proceedings. "They are unable to prove their allegations."

"Smoking is something that people choose to do for many reasons and they have to take responsibility for their decision to smoke,"

Glendinning said.

Plaintiff Cecilia Letourneau, however, disagreed.

"I still smoke," she said outside the courthouse, noting countless failed attempts to quit.

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