

# Judge orders tobacco companies to say they lied

November 27 2012, by Frederic J. Frommer

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(AP)—A federal judge on Tuesday ordered tobacco companies to publish corrective statements that say they lied about the dangers of smoking and that disclose smoking's health effects, including the death on average of 1,200 people a day.

U.S. [District Judge](#) Gladys Kessler previously had said she wanted the industry to pay for corrective statements in various types of advertisements. But Tuesday's ruling is the first time she's laid out what the statements will say.

Each corrective ad is to be prefaced by a statement that a federal court has concluded that the [defendant](#) tobacco companies "deliberately deceived the American public about the [health effects](#) of smoking." Among the required statements are that smoking kills more people than murder, AIDS, suicide, drugs, [car crashes](#) and alcohol combined, and that "[secondhand smoke](#) kills over 3,000 Americans a year."

The corrective statements are part of a case the government brought in 1999 under the Racketeer Influenced and Corrupt Organizations. Kessler ruled in that case in 2006 that the nation's largest [cigarette makers](#) concealed the dangers of smoking for decades, and said she wanted the industry to pay for "corrective statements" in various types of ads, both broadcast and print. The [Justice Department](#) proposed corrective statements, which Kessler used as the basis for some of the ones she ordered Tuesday.

Tobacco companies had urged Kessler to reject the government's proposed industry-financed corrective statements; the companies called them "forced public confessions." They also said the statements were designed to "shame and humiliate" them. They had argued for statements that include the health effects and addictive qualities of smoking.

Kessler wrote that all of the corrective statements are based on specific findings of fact made by the court.

"This court made a number of explicit findings that the tobacco companies perpetuated [fraud](#) and deceived the public regarding the addictiveness of cigarettes and [nicotine](#)," she said.

A spokesman for Altria Group Inc., owner of the biggest U.S. tobacco company, Philip Morris USA, said the company was studying the court's decision and did not provide any further comment. A spokesman for Reynolds American Inc., parent company of No. 2 cigarette maker, R.J. Reynolds Tobacco Co., said the company was reviewing the ruling and considering its next steps.

The statements Kessler chose included five categories: adverse health effects of smoking; addictiveness of smoking and nicotine; lack of significant health benefit from smoking cigarettes marked as "low tar," "light," etc.; manipulation of cigarette design and composition to ensure optimum nicotine delivery; and adverse health effects of exposure to secondhand smoke.

Among the statements within those categories:

"Smoking kills, on average, 1,200 Americans. Every day."

"Defendant tobacco companies intentionally designed cigarettes to make them more addictive."

"When you smoke, the nicotine actually changes the brain—that's why quitting is so hard."

"All [cigarettes](#) cause cancer, lung disease, heart attacks and premature death—lights, low tar, ultra lights and naturals. There is no safe cigarette."

"Secondhand smoke causes lung cancer and coronary heart disease in adults who do not smoke."

"Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, severe asthma and reduced lung function."

"There is no safe level of exposure to secondhand smoke."

Justice Department spokesman Charles Miller said the department was pleased with the order.

Matt Myers, president of the Campaign for Tobacco-Free Kids, called it an important ruling.

"The most critical part of the ruling is that it requires the tobacco companies to state clearly that the court found that they deceived the American public and that they are telling the truth now only because the court is ordering them to do so," Myers said in an interview. "This isn't the last word, but this is a vitally important step because this should resolve exactly what the tobacco companies are required to say."

In July, a federal appeals court rejected efforts by the tobacco companies to overrule Kessler's ruling requiring corrective statements. The companies had argued that a 2009 law that gave the Food and Drug Administration authority over the industry eliminated "any reasonable

likelihood" that they would commit future RICO violations.

In her ruling Tuesday, Kessler ordered the [tobacco companies](#) and Justice Department to meet beginning next month to address how to implement the corrective statements, including whether they will be put in inserts with cigarette packs and on websites, TV and newspaper ads. Those discussions are to conclude by March.

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