

NYC Press Release

**THE CITY OF NEW YORK  
Office of the Mayor  
New York, New York 10007**

**FOR IMMEDIATE RELEASE**

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**NEW YORK CITY SUES TOBACCO INDUSTRY  
*SUIT CITES MILLIONS OF DEATHS, AND CONSPIRACY TO DECEIVE PUBLIC  
AND SUPPRESS RESEARCH CONCERNING DEADLY CONSEQUENCES OF  
TOBACCO.***

Mayor Giuliani announced today that the City of New York and the Health and Hospitals Corporation have filed an action in New York State Supreme Court against major U.S. tobacco companies and the two trade associations they control.

Joining the Mayor for this announcement were New York City Corporation Counsel Paul A. Crotty- Dr. William G- Cahan, Senior Attending Surgeon at Memorial Sloan-Kettering and member of the Board of Directors of the American Cancer Society; Dr. Alfred Ashford, Chief of Hematology Oncology at Harlem Hospital and member of the Board of Directors of the American Cancer Society; Dr. Luis Marcos, President of the Health and Hospitals Corporation; Dr. Margaret Hamburg, Commissioner of the NYC Department of Health; and Maria Mitchell, Special Advisor to the Mayor on Health Policy.

The City will seek recovery of the cost of treating lung cancer and other tobacco-related diseases in Medicaid patients and uninsured patients treated without charge in public hospitals. The complaint also seeks reimbursement for tobacco-related costs of health benefits provided to City employees.

"The basis of the City's action against the U.S. tobacco industry has tremendous implications for New Yorkers," Mayor Giuliani said. "The City is charging that not only did tobacco company executives and their so-called 'independent' research institutes have scientific evidence linking smoking to lung cancer as far back as 1953, but that they actively suppressed this evidence and, over the years, created unlawful strategies to generate new customers to replace those who were dying from smoking-related diseases.

"In New York City this deceit has caused human suffering and death, and huge economic repercussions. In fact, a Columbia University study estimates that the City spends \$300 million per year on health costs attributable to tobacco use," the Mayor added.

Corporation Counsel Paul Crotty said, "Recently disclosed company documents and recent testimony from industry whistleblowers provide an alarming glimpse into the industry's deceit and bad faith continuing for more than forty years and to the present day."

"As a native New Yorker and a lung cancer surgeon for more than 40 years, I am proud of our Mayor and the City of New York for taking this courageous step to recover costs from those responsible for so much disease, death and loss of productivity," Dr. William Cahan said. "Mayor Giuliani's strong action today once again places New York City in the forefront of the fight against the ravages of tobacco use,"

Dr. Alfred Ashford said, "All New York City communities have suffered the consequences of tobacco use, some disproportionately. For too long, the tobacco companies have targeted minority communities with their deadly dollars and messages. It's time that some of those most responsible begin to share the cost, not just reap the profits."

San Francisco, Los Angeles, and fifteen state governments, including Connecticut and New Jersey, have already brought similar suits. As in those actions, the City's complaint describes a conspiracy among tobacco companies to deceive the public and suppress research concerning the disastrous health consequences and addictiveness of tobacco use.

According to the City's complaint, the conspiracy began in 1953, when, in response to widely reported research linking smoking and cancer, tobacco company executives met in New York City to devise a public relations strategy to protect the industry. Soon after, the companies published a nationwide guarantee that they would create an independent institute to conduct impartial research into tobacco and health and would disclose the results to the public.

The City's complaint alleges that the tobacco companies' research was anything but independent and impartial. Under the thumb of the manufacturers, the research institute created by the industry did far more public relations work than research and suppressed the research when it repeatedly confirmed the link between tobacco and disease. Despite the results of their own research, the tobacco companies continued for forty years to deny, in advertisements and other public statements, that the link had been scientifically proven and that tobacco products are addictive. In addition, the City's complaint asserts that, despite their public statements, several cigarette manufacturers secretly researched, and in one case completed, designs for marketable, safer cigarettes. However, under pressure from their attorneys and even their competitors, they shelved the new products rather than risk conceding that their usual brands were not safe.

The City's complaint also alleges that the tobacco companies undertook several unlawful strategies to generate new customers and maintain their enormous profits. First, they devised marketing strategies, such as "Joe Camel," which successfully enticed children and teenagers to the smoking habit, replacing their older customers who died from tobacco use. Second, while denying that tobacco products are addictive, the industry nevertheless manipulated, and sometimes even increased, the amount of addictive nicotine in cigarettes in order to maintain their market and generate sales. As admitted by tobacco companies in internal documents, a cigarette is a sophisticated package for delivering a carefully calibrated dose of the potent drug nicotine.

Based on the facts summarized above, the City intends to prove that the tobacco companies have defrauded and caused unreasonable harm to the public and that they have violated state deceptive advertising and antitrust statutes.

Named as defendants in the City's complaint are:

- The Tobacco Institute. Inc. <
- Philip Morris Incorporated
- Brown & Williamson Tobacco Corporation
- R.J. Reynolds Tobacco Company
- B.A.T. Industries P.L.C.
- Lorillard Tobacco Company
- The American Tobacco Company
- Liggett Group, Inc.
- United States Tobacco Company
- Council for Tobacco Research -- U. S.A, Inc.

The Mayor thanked the team of attorneys from the Corporation Counsel who were responsible for today's lawsuits: Paul Kazanoff; Gail Rubin; Melvin Goldberg; Alan Kleinman; Marjorie Landa; John Low-Bear, and Elizabeth Witten.