

A Global Snapshot: Tobacco lawsuits outside of the USA

There is no public health inventory of litigation against tobacco companies to ease monitoring of trial developments.

Instead, a picture of tobacco litigation (outside China and the United States) can be gathered from information presented to shareholders in the Annual Reports and other financial filings of the four major multinational tobacco companies: Philip Morris International, British American Tobacco, Japan Tobacco International and Imperial Tobacco UK.

Some of these lawsuits involve individual claims. Others represent the claims of or on behalf of costs associated with groups of smokers, such as class actions or health-care cost recovery suits. Of this second type, more than half are located in Canada.

Number of lawsuits identified by the biggest multinational tobacco companies in their annual reports issued in 2014.

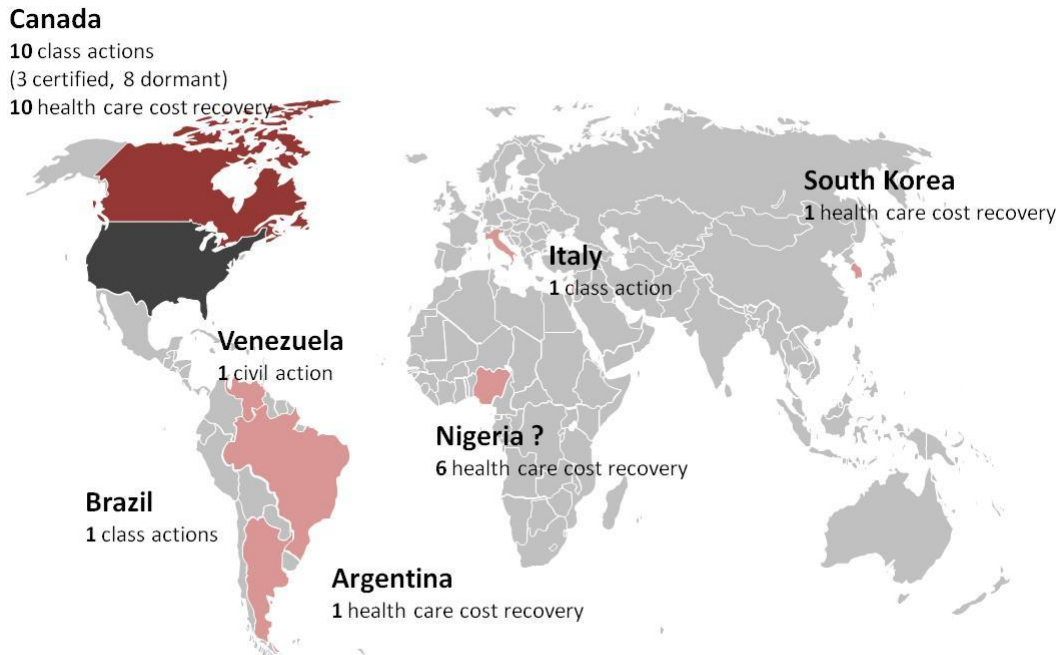
	Philip Morris International ¹	British American Tobacco ²	Japan Tobacco ³	Imperial Tobacco ⁴
Individual	Argentina (23) Brazil (23), Canada (2) Chile (7), Costa Rica (2), Greece (1), Italy (2), the Philippines (1) Scotland (1),	Brazil (164) Italy (22) Argentina (20) Canada (5) Chile (4) Ireland (2) Others (7)	South Africa (1)	Ireland (5) Italy (1)
Class Actions	Brazil (2) Canada (9)	Brazil (2) Canada (10) Italy (1) Venezuela (1)	Canada (8)	
Health Care Cost Recovery	Argentina (1) Canada (10)	Argentina (1) Brazil (1)	Canada (9)	
Actions, Public Civic Actions , Medical reimbursement	Nigeria (5) Venezuela (1) Korea (1)	Canada (9) Nigeria (6) Spain (1)		

¹ Philip Morris International 10 K Filing, February 2015

² British American Tobacco Annual Report 2013, beginning page 188

³ Japan Tobacco International Annual Report 2013, beginning page 154

⁴ Imperial Tobacco UK Annual Report 2014, beginning page 46



Outside of the USA, more than half the world's large tobacco lawsuits are taking place in Canada.

Active cases and related developments (outside USA)

Case	Stage	Involving subsidiaries of:
Argentina		
Asociación Argentina de Derecho de Danos v. Massalin Particulares S.A., et al., Civil Court of Buenos Aires, Argentina, filed February 26, 2007,	In March 2010, the case file was transferred to the Federal Court on Administrative Matters after the Civil Court granted the plaintiff's request to add the national government as a co-plaintiff in the case. The case is currently in the evidentiary stage (PM)	PMI BAT
The plaintiff, a consumer association, seeks the establishment of a relief fund for reimbursement of medical costs associated with diseases allegedly caused by smoking.	The case is currently at the evidentiary stage. Confessional hearings took place on 14 August 2013 (Emma Mendoza Voguet) and 29 August 2013 (ATLA).	
	A final decision is not expected before 2015. (BAT) The case is currently in the evidentiary stage. (PMI-2015) Judgment pending	

Case	Stage	Involving subsidiaries of:
Brazil		
<p>The Smoker Health Defense Association (ADESF) v. Souza Cruz, S.A. and Philip Morris Marketing, S.A., Nineteenth Lower Civil Court of the Central Courts of the Judiciary District of São Paulo, Brazil, filed July 25, 1995</p> <p>Damages for smokers and former smokers and injunctive relief.</p>	<p>On 16 May 2011, the court granted Souza Cruz's motion to dismiss the action in its entirety on the merits. Plaintiffs filed an appeal of the dismissal on 22 July 2011. Souza Cruz filed its response on 5 October 2011. On 10 November 2011, the case records were sent to the Public Prosecutor's Office. On 20 December 2011, the Public Prosecutor's Office presented a non-binding, advisory opinion that rejected most of Souza Cruz's legal defence arguments. The case records were sent to the São Paulo State Court of Appeals and were immediately sent to the Public Prosecutor's office for General Public and Collective Interest (BAT)</p> <p>On 1 March 2012, the case files returned with an unfavourable opinion given by the Public Prosecutor, who advised that the Court should find in favour of the appeal brought by ADESF and thereby fully reverse the appealed judgment. On 6 September 2012, the case was assigned to a new temporary Reporting Justice in the 7th Chamber of Private Law of the São Paulo Court of Appeals, pending reference to a permanent Reporting Justice of the case. On 10 October 2013, a Reporting Justice of the case was designated (BAT)</p> <p>Plaintiff win under Appeal.</p>	<p>PMI BAT</p>
Canada		
Certified Class Actions		
<p>Cecilia Letourneau v. Imperial Tobacco Ltd., Rothmans, Benson & Hedges Inc. and JTI Macdonald Corp., Quebec Superior Court, Canada, filed in September 1998</p> <p>Compensatory and punitive damages for addiction</p>	<p>At trial. Evidentiary stage ended.</p>	<p>PMI BAT</p>
<p>Conseil Québécois Sur Le Tabac Et La Santé and Jean-Yves Blais v. Imperial Tobacco Ltd., Rothmans, Benson & Hedges Inc. And JTI Macdonald Corp., Quebec Superior Court, Canada, filed in November 1998</p> <p>Compensatory and punitive damages for emphysema, lung cancer and throat cancer.</p>	<p>At trial. Evidentiary stage ended.</p>	<p>PMI BAT JTI</p>
<p>Knight v. Imperial Tobacco, May 2003, British Columbia.</p> <p>Compensation for amounts spent on 'light and mild' products and a disgorgement of profits from Imperial.</p>	<p>Certified. Otherwise dormant</p>	<p>BAT</p>

Case	Stage	Involving subsidiaries of:
Non-certified Class Actions		
Kunta v. Canadian Tobacco Manufacturers' Council, et al., Winnipeg, filed June 12, 2009.	Preliminary stage – on hold	PMI BAT JTI
Compensation and punitive damages, restitution of profits and reimbursement of government health care costs.		
Adams v. Canadian Tobacco Manufacturers' Council, et al., The Queen's Bench, Saskatchewan, filed July 10, 2009,	Preliminary stage	PMI BAT JTI
Semple v. Canadian Tobacco Manufacturers' Council, et al., Nova Scotia, Canada, filed June 18, 2009,	Preliminary stage – on hold	PMI BAT JTI
Dorion v. Canadian Tobacco Manufacturers' Council, et al., Alberta, filed June 15, 2009	Preliminary stage – on hold	PMI BAT JTI
McDermid v. Imperial Tobacco Canada Limited, et al., British Columbia, filed June 25, 2010,	. Preliminary stage – on hold	PMI BAT JTI
Bourassa v. Imperial Tobacco Canada Limited, et al., British Columbia, filed June 25, 2010	Preliminary stage – on hold	PMI BAT JTI
Suzanne Jacklin v. Canadian Tobacco Manufacturers' Council, et al., Ontario, filed June 20, 2012	Preliminary stage – on hold	PMI BAT JTI
Government Cost Recovery		
Her Majesty the Queen in Right of British Columbia v. Imperial Tobacco Limited, et al. , filed January 24, 2001,	Pre-trial discovery is ongoing.	PMI BAT JTI
Her Majesty the Queen in Right of New Brunswick v. Rothmans Inc., et al., filed March 13, 2008,	Pre-trial discovery is ongoing.	PMI BAT JTI
Her Majesty the Queen in Right of Ontario v. Rothmans Inc., et al., filed September 29, 2009,	Preliminary motions are pending.	PMI BAT JTI
Attorney General of Newfoundland and Labrador v. Rothmans Inc., et al., filed February 8, 2011	Preliminary motions are pending	PMI BAT JTI
Attorney General of Quebec v. Imperial Tobacco Limited, et al. , filed June 8, 2012,	Preliminary motions are pending	PMI BAT JTI
Her Majesty in Right of Alberta v. Altria Group, Inc., et al., filed June 8, 2012,	Preliminary	PMI BAT JTI

Case	Stage	Involving subsidiaries of:
Her Majesty the Queen in Right of the Province of Manitoba v. Rothmans, Benson & Hedges, Inc., et al., filed May 31, 2012,	Preliminary motions are pending.	PMI BAT JTI
The Government of Saskatchewan v. Rothmans, Benson & Hedges Inc., et al., , filed June 8, 2012	Preliminary Early case management stage.	PMI BAT JTI
Her Majesty the Queen in Right of the Province of Prince Edward Island v. Rothmans, Benson & Hedges Inc., et al., filed 15 Nov 2012.	Preliminary motions are pending	PMI BAT JTI
Her Majesty the Queen in Right of the Province of Nova Scotia v. Rothmans, Benson & Hedges Inc., et al., Supreme Court of Nova Scotia, Canada Filed January 2, 2015	Preliminary motions are pending	PMI BAT JTI
Korea		
National Health Insurance Service v. KT&G, et. al., filed April 14, 2014	Plaintiff alleges that defendants concealed the health hazards of smoking, marketed to youth, added ingredients to make their products more harmful and addictive, and misled consumers into believing that Lights cigarettes are safer than regular cigarettes. The National Health Insurance Service seeks to recover approximately \$53.7 million allegedly incurred in treating 3,484 patients with small cell lung cancer, squamous cell lung cancer, and squamous cell laryngeal cancer from 2003 to 2012. (PMI)	PMI KT&G
Italy		
Codacons v. British American Tobacco Italia, filed on or about June 2010.	The class action lawsuit was rejected at the first instance (Civil Court of Rome) and appellate (Rome Court of Appeal) court levels. In July 2012, Codacons filed an appeal before the Italian Supreme Court. BAT Italia filed its answer to the appeal on 13 November 2012. The parties are now waiting for the Supreme Court to schedule a hearing for the discussion of the case. Defendant win under appeal	BAT Italia

Case	Stage	Involving subsidiaries of:
Nigeria		
Government Cost Recovery		
<p>Six medical reimbursement actions filed by the federal government and five Nigerian states (Lagos, Kano, Gombe, Oyo, Ogun) were pending in the Nigerian courts.</p> <p>British American Tobacco (Nigeria) Limited, BAT and Investments have been named as defendants in each of the cases.</p>	<p>BAT's description:</p> <p>... BAT and Investments have filed preliminary objections challenging the jurisdiction of the Nigerian courts over them. On 22 June 2010, the Oyo High Court partially granted BAT's and Investments' preliminary objections and set aside the service of the writ of summons. BAT and Investments appealed the court's order insofar as it denied the remainder of the relief requested, and the Court of Appeal has yet to set a date for hearing of the appeals.</p> <p>The Federal High Court and the High Courts of Lagos, Kano, Gombe and Ogun states denied the preliminary objections filed by BAT and Investments, and the companies have appealed. High Court proceedings in the Lagos and Kano state cases have been stayed pending the appeals filed by BAT and Investments. In the Gombe and Ogun cases, the High Courts have adjourned proceedings without date. As at 31 December 2013, the appeals filed by BAT and Investments remain pending in the Federal, Lagos, Kano and Gombe cases, and have yet to be heard by the Court of Appeal. On 23 April 2013 and 16 May 2013, the Court of Appeal (Ibadan Judicial Division) issued decisions affirming the Ogun High Court's denial of the preliminary objections filed by BAT, Investments and British American Tobacco (Nigeria) Limited. The companies have appealed the decisions to the Supreme Court of Nigeria</p>	<p>PMI</p> <p>BAT</p>
<p>The Attorney General of Lagos State v. British American Tobacco (Nigeria) Limited, et al., filed March 13, 2008</p>	<p>PMI's description:</p> <p>Currently, the case is stayed in the trial court pending the appeals of certain co-defendants relating to service objections.</p>	<p>PMI</p> <p>BAT</p>
<p>The Attorney General of Kano State v. British American Tobacco (Nigeria) Limited, et al., filed May 9, 2007,</p>	<p>Currently, the case is stayed in the trial court pending the appeals of certain co-defendants relating to service objections</p>	<p>PMI</p> <p>BAT</p>
<p>The Attorney General of Gombe State v. British American Tobacco (Nigeria) Limited, et al., filed October 17, 2008,</p>	<p>In February 2011, the court ruled that the plaintiff had not complied with the procedural steps necessary to serve us. As a result of this ruling, plaintiff must re-serve its claim. We have not yet been re-served.</p>	<p>PMI</p> <p>BAT</p>
<p>The Attorney General of Oyo State, et al., v. British American Tobacco (Nigeria) Limited, et al., filed May 25, 2007</p>	<p>In June 2010, the court ruled that plaintiffs did not have leave to serve the writ of summons on the defendants and that they must re-serve the writ. We have not yet been re-served.</p>	<p>PMI</p> <p>BAT</p>
<p>Attorney General of Ogun State v. British American Tobacco (Nigeria) Limited, et al., filed February 26, 2008</p>	<p>In May 2010, the trial court rejected our service objections. We have appealed.</p>	<p>PMI</p> <p>BAT</p>
Venezuela		

Case	Stage	Involving subsidiaries of:
<p>Federation of Consumers and Users Associations (“FEVACU”)ⁱ, et al. v. National Assembly of Venezuela and the Venezuelan Ministry of Health, Constitutional Chamber of the Venezuelan Supreme Court, filed April 29, 2008</p> <p>The plaintiffs claim that the government failed to protect adequately its citizens’ right to health. The claim asks the court to order the government to enact stricter regulations on the manufacture and sale of tobacco products. In addition, the plaintiffs ask the court to order companies involved in the tobacco industry to allocate a percentage of their “sales or benefits” to establish a fund to pay for the health care costs of treating smoking-related diseases.</p>	<p>In October 2008, the court ruled that plaintiffs have standing to file the claim and that the claim meets the threshold admissibility requirements.ⁱⁱ In December 2012, the court admitted our subsidiary and BAT’s subsidiary as interested third parties. In February 2013, our subsidiary answered the complaint. (PM)</p> <p>On 5 December 2012, BAT’s subsidiary Cigarrera Bigott was admitted as a third partyⁱⁱⁱ and presented its defences and evidence on 26 February 2013. The parties will now be asked to attend a hearing at the Constitutional Chamber; however, no date for the hearing has yet been scheduled by the Court.</p>	<p>PMI BAT</p>

i <http://www.defiendete.org/>

ii <http://www.tsj.gov.ve/decisiones/scon/octubre/1587-211008-08-0520.HTM>

iii <http://www.tsj.gov.ve/decisiones/scon/Diciembre/1615-51212-2012-08-0520.html>