## CAMPAIGN FOR JUSTICE ON TOBACCO FRAUD

## **NEWS RELEASE**

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## **END THE DELAY, SUE BIG TOBACCO: HEALTH AGENCIES**

**Toronto –** Major health agencies today called on the McGuinty government to sue tobacco companies. They want the government to hold the companies accountable for decades of misinformation and deception and to recover related health care costs, in light of reports that government consideration of such a suit has stalled.

"Today's call to action follows decisions by six provinces to launch such legal action against the industry. Legislation enabling such a lawsuit – first proposed by British Columbia – was validated by the Supreme Court of Canada over a year ago. Since then, over 100 senior representatives of the Ontario health sector – including 22 Medical Officers of Health – have written to the Premier urging him to act. Thousands of Ontarians have signed cards to the Premier also calling for a major lawsuit, so far without success," said Ontario Campaign for Action on Tobacco Director Michael Perley. A copy of the health sector letter is attached

Perley pointed out that last Monday, the over 550 delegates to the Ontario Tobacco Control Conference unanimously approved the following resolution:

That the Ontario government join British Columbia, Saskatchewan, Manitoba, New Brunswick, Nova Scotia and Newfoundland and sue the tobacco industry for decades of deception and fraud

- a) to obtain justice for the thousands of Ontarians whose deaths were contributed to, or caused, by this fraud and deception, and
- b) to recover billions of dollars in health care costs to smokers out of which these provinces allege they were defrauded.

It is has been estimated that a claim from the province could reach \$40 billion: in 2000, the Mike Harris administration launched a suit against the industry in the US and set the price of industry misconduct at this amount, Mr. Perley said. US courts subsequently ruled such a suit should take place in Canada.

The Harris lawsuit followed implementation of the U.S. Master Settlement in 1999 and separate settlements with the industry by four states, which together require the industry to pay out \$256 billion over 25 years.

Current annual losses in Ontario from tobacco-caused health care costs are pegged at \$1.7 billion.

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In recent days, the agencies speaking today have learned that the government will not proceed with a lawsuit in the foreseeable future. "Why is the government reluctant to sue when so many other provinces are acting, and when there has not been any accountability by this industry for hundreds of thousands of deaths and billions of dollars in health care costs incurred in Ontario as a result of the industry's decades-long fraud and deception?", asked Garfield Mahood, Executive Director of the non-Smokers' Rights Association. "There is an important principle of justice at stake here, which the government does not appear to recognize," Mr. Mahood said.

"There is much more than money at stake here," said Rocco Rossi, CEO of the Heart and Stroke Foundation of Ontario. "Industry documents from the US Master Settlement Agreement clearly show a similar pattern of deception and misinformation on both sides of the border by both American companies and their Canadian subsidiaries and sister companies. Further documents which would come out of Ontario litigation will help educate Ontarians about the real activities of Big Tobacco and help create a climate in which major health benefits – such as further restrictions on the industry itself and its products – will be possible."

"Even today, the industry refuses to accept any responsibility for the disease and death caused by its products," said the Lung Association's President and CEO, Manu Malkani. "For example, there is no acknowledgment of this responsibility in Imperial Tobacco's latest PR campaign, "Let's Talk", nor is there any mention – let alone endorsement – of the many tobacco control measures, like plain packaging, reductions in sales outlets, or regulation of nicotine as a drug, which would make a real difference in controlling the tobacco epidemic. At the very least, a successful lawsuit would call the industry to account for past misbehaviour and pave the way for much stricter controls in the future," Mr. Malkani concluded.

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