

SCHEDULE "A" TO STATEMENT OF CLAIM IN SPASIC v. IMPERIAL TOBACCO LTD. AND ROTHMANS, BENSON & HEDGES INC.

1. The defendants' research data, as that term is used in the Statement of Claim, includes:

(a) drafts, notes, logs, observations, compilations, compendia, computations, summaries, minutes, diaries, diagrams, recordings, prototypes, models, databases, instructions, memoranda, correspondence, studies, reports, surveys, analyses, reviews, workshops, conferences, proceedings, inquiries, investigations, and information from whatever source, whether or not channelled through the defendants' or their employees', servants', agents'; parent, controlling, affiliate or associate corporations' internal or external legal advisors;

(b) marketing, behavioural, statistical, polling, focus group, epidemiological, animal and human biological, chemical and product development research carried out by the defendants in company research facilities, whether or not channelled through the defendants' or their employees', servants', agents'; parent, controlling, affiliate or associate corporations' internal or external legal advisors; and

(c) research carried out, at the request of, or available to the defendants, by other individuals or entities, including, but not limited to:

(i) associate, affiliate, parent, and controlling companies, including B.A.T., Philip Morris, and Rothmans group companies;

(ii) tobacco industry associations and groups (whether incorporated or not), including the Canadian Tobacco Manufacturers' Council ("CTMC"), the former Smokers' Freedom Society, and the (U.S.) Tobacco Institute;

(iii) other industry participants including suppliers, societies, and agricultural, scientific, health, medical, behavioural, marketing and other research institutes and entities, including the U.S. Council for Tobacco Research, Inc. ("CTR"), the U.K. Tobacco Advisory Committee ("TAC"), and their predecessor entities;

(iv) non-profit organizations; and

(v) various types of consultants and consulting companies, including public relations, advertising and marketing firms;

whether or not channelled through the defendants' or their employees', servants', agents'; parent, controlling, affiliate or associate corporations' internal or external legal advisors;

2. Misleading public advocacy, as that term is used in the Statement of Claim, includes representations made by the defendants, their employees, servants and agents to members of the public, government officials, journalists, and others through various means and media including press releases, correspondence, articles, reports and other publications, electronic broadcasts, meetings, and presentations. The defendants' agents include government and public relations consultants, as well as academic, legal, scientific, medical and marketing consultants working for, or on behalf of (either directly, or indirectly through tobacco industry affiliated entities) the defendants.

3. Misleading labelling practices, as that term is used in the Statement of Claim, include:

(a) the failure to communicate pertinent health or accurate product information to the public;

(b) the defendants' communication of incomplete, abstract, ambiguous, qualified, and ineffective health and product information to the public;

(c) the defendants' further neutralizing of such information through strategies involving the messages' positioning, size, typography, print contrast and colour, especially in relation to other promotional elements;

on cigarette packaging and branded promotional materials and in brand-promoting communications.

4. Misleading brand-name promotional activities, as that term is used in the Statement of Claim, include all traditional cigarette brand advertising and related marketing activities; all 'branded' sporting and cultural events, their broadcasts, and associated marketing activities; all cigarette packaging design and decoration; all price discounting; all 'thrift' product marketing (e.g., roll-your-own cigarette tobacco, and accessories) as well as retail distribution and promotion-placement decisions.

<http://www.sommersandroth.com/cases-spasic-soc-sch-a.htm>