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Tobacco Company Was Silent on Hazards

By PHILIP J. HILTS

Special to The New York Times

WASHINGTON, May 6 — Internal documents from a major tobacco company show that executives struggled with whether to disclose to the Surgeon General what they knew in 1963 about the hazards of cigarettes, at a time when the Surgeon General was preparing a report saying for the first time that cigarettes are a major health hazard.

The executives of the company, the Brown & Williamson Tobacco Corporation, chose to remain silent, to keep their research results secret, to stop work on a safer cigarette and to pursue a legal and public relations strategy of admitting nothing.

In more than 100 documents, letters and cables from the 1960's and 1970's that provide a rare look at the internal discussions among tobacco executives, the officials

Manufacturer Debated Disclosure in 1963, Documents Show

spoke of the hazards of cigarettes and stated plainly to one another that nicotine is addictive.

In one document, the company's general counsel said Brown & Williamson's research had found that cigarettes caused or predisposed people to lung cancer, contributed to heart disease and might cause emphysema. The statements contradict the tobacco industry's contention over the last three decades that it has not been proved that cigarettes are harmful or that nicotine is addictive.

The question of addiction has taken on importance in recent months after the Food and Drug

Administration said for the first time that it would consider regulating cigarettes. To establish control over cigarettes, the F.D.A. said, it must show that nicotine is addictive and that tobacco companies intentionally exercise control over the amount of nicotine in cigarettes to maintain smokers' addiction.

Officials of Brown & Williamson, which makes Kool, Viceroy and other brands, refused to comment on the documents but sent a letter to The New York Times today suggesting that the documents had been "stolen by a former employee of a law firm doing work for Brown & Williamson." The company said the documents should not be disclosed because some of them may be subject to attorney-client privilege and may be covered by an injunction forbidding their release. The injunction was issued by Judge Thomas B. Wine of Jefferson Cir-

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cuit Court in Louisville, Ky.

Judge Wine is presiding over a case in which Brown & Williamson is suing a man named Merrell Williams, who they say stole documents from the company.

A lawyer for The New York Times Company, Adam Liptak, said he did not believe that the injunction applied to the newspaper. "Under the Supreme Court's decisions, injunctions may be directed only to specific parties to a lawsuit," he said. "Injunctions directed to the whole world are ineffective."

Some documents were obtained by The Times from a Government official who was disturbed about the testimony in the House last month by the top executives of the seven biggest American tobacco companies, in which they said that nicotine was not addictive. The official said that the documents were also given to Representative Ron Wyden, Democrat of Oregon, a smoking opponent who has been working on investigations of tobacco companies in recent weeks. Mr. Wyden said that he had found the documents to be "very disturbing" and that he had turned over the documents to Representative Henry A. Waxman, chairman of the House Energy and Commerce Subcommittee on Health and the Environment.



Addison Yeaman, a former executive of Brown & Williamson, urged the company to "accept its responsibility" in 1963.

Mr. Waxman's subcommittee has held several hearings on the tobacco industry, including the one at which the top executives testified. Mr. Wyden asked each of the executives whether in his opinion nicotine was addictive, and each answered no.

Thomas E. Sandefur Jr., the chairman and chief executive of Brown & Williamson, said in his testimony, "I believe nicotine is not addictive." In response to a request for any research the company has on nicotine and addiction, he said he would turn over documents, but added, "We do not have any animal research."

Minimalizing Research's Impact

From the documents, it is apparent that there were debates within Brown & Williamson in the 1960's and 1970's about whether to disclose what the company knew of the hazards of cigarettes, and to try to make a safer cigarette, or instead to keep silent about their own research and work to minimize the impact of the research of others.

Researchers formerly with other tobacco companies and industry experts said that the debate within Brown & Williamson was echoed within each of the other major companies, and that some of the documents and arguments within Brown & Williamson were shared with exec-

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atives of other companies through the Tobacco Industry Research Committee and later the Council on Tobacco Research.

In the documents, Addison Yeaman, who was general counsel for the company, then a vice president, and finally director of the industry's Council on Tobacco Research, suggested in July 1963 that the company "accept its responsibility" and disclose the hazards of cigarettes directly to the Surgeon General, freeing the company to conduct research openly to develop safer cigarettes. The company officials were aware at the time that the Surgeon General's report was being prepared, the documents show. The report was issued in 1964.

Mr. Yeaman's proposal was apparently turned down; later documents show that the research reports remained secret for 30 years and that the work on the safer cigarette was stopped.

The documents include a series of exchanges beginning in June 1963, when executives of Brown & Williamson, a subsidiary of B.A.T. Industries P.L.C. of Britain, with offices on both sides of the Atlantic, began to discuss with some excitement a "nicotine report" from Battelle Laboratories of Geneva. Battelle had been hired to do health-related research on tobacco.

The report found that there were some beneficial effects of nicotine. One was that it acted as a tranquilizer-like drug; another, that it acted as an appetite-suppressor. But the report also showed that nicotine might cause heart disease.

A Safer Filter Is Disregarded

Mr. Yeaman wrote to Anthony D. McCormick, a senior executive of the parent company in London, that the company would have to decide what to disclose to the American Surgeon General, Dr. Luther Terry, who was about to issue the first report by a Surgeon General condemning cigarettes as a health hazard.

Mr. Yeaman referred to the Battelle "nicotine report" and to a new filter, created by a company scientist, R. B. Griffith, which could filter out some hazardous substances in cigarettes.

Mr. McCormick cabled back on July 3, 1963, that "it is too early to submit Battelle reports to Surgeon General's Committee."

Mr. Yeaman cabled back, "submission Battelle or Griffith developments to Surgeon General undesirable and we agree continuance of Battelle work useful but disturbed at its implications re cardiovascular disorders." He said the new research should cause a "reassessment fundamental policy re health."

Two weeks later, as part of the corporate debate about how to handle the health hazards of cigarettes while keeping the company free of lawsuits by smokers, Mr. Yeaman wrote a 2,000-word analysis. In it he asked

whether the company should acknowledge the hazards of cigarettes and accept the risks of litigation, or say nothing but give up the ability to talk about its research in public and give up credible standing to analyze and criticize the Surgeon General's report.

Mr. Yeaman said in the report, labeled "strictly private and confidential" and dated July 17, 1963, that the new information about the tranquilizing effects of nicotine and its positive effects on weight loss "delivers to the industry what may well be the first effective instrument of propaganda counter to that of the American Cancer Society, et al., damning cigarettes as having a causal relationship to cancer of the lung."

He said the positive nicotine findings and the Griffith filter were "a bridge over which the industry could pass from its present terrain of defense to a field for effective counter-attack." The Griffith filter could selectively take hazardous substances out of cigarette smoke but leave the good taste and the nicotine. This device would provide the opening politically, and the positive uses of nicotine would be their "weapon."

He noted that company research had shown that nicotine has a tranquilizing, or anxiety-reducing, effect and helps control body weight, and that "moreover, nicotine is addictive."

"We are, then, in the business of selling nicotine, an addictive drug effective in the release of stress mechanisms," he wrote.

The research found that despite the beneficial effects of nicotine, cigarettes "cause, or predispose, lung cancer."

"They contribute to certain cardiovascular disorders," the research found. "They may well be truly causative in emphysema, etc. etc."

Bracing for Report By Surgeon General

The memo said that the Surgeon General would soon issue a major report that would conclude that cigarettes cause lung cancer and cardiovascular disease.

The industry, he said, should take the event seriously. Whatever means the companies used to minimize the impact of the Surgeon General's report, he wrote, the industry must face the fact that a "responsible and qualified group of previously non-committed medical authorities have spoken."

Mr. Yeaman said the company should not continue to say that the hazards were not proved and should not continue in a defensive posture. Rather, he said, the industry should embark on a "massive and impressively financed" campaign of research that would either disprove the hazard or, far more likely, he said, discover just which chemicals are the cancer-causing ones so the companies could "neutralize them."

He dismissed the possibility that the work could be conducted by the Tobacco Institute Research Committee, which the industry, in full-page newspaper advertisements in January 1954, said would do such research. Mr. Yeaman acknowledged to his colleagues that the research council "was conceived as a public relations gesture and (however undefiled the Scientific Advisory Board and its grants may be) it has functioned as a public relations operation."

He envisioned a large research institute that would be "lavishly financed, autonomous, self-perpetuating and uncontrolled" by the industry and that would ask for the help of the American Cancer Society and other major organizations concerned with public health.

This bold move in which the industry would "accept its responsibility" would actually free the company to take a "much more aggressive posture to meet attack." Mr. Yeaman acknowledged that it might worsen the industry's position in lawsuits, but that risk would be worth it because of the greater benefit of being on the attack.

He noted that this advice was very different from what he had offered up to that time, but that it was not really inconsistent. If the industry did not want to take the responsibility for health research, he said, it should remain largely silent.

Mr. Yeaman said that while the industry contemplated this long-term strategy, it would have to deal with the Surgeon General and antismoking groups and members of Congress when the Surgeon General's report was issued.

Weighing Openness And Liabilities

Mr. Yeaman accurately predicted that there would be a wave of attempts to educate the public about smoking hazards, particularly the young, that there would be an effort to ban smoking ads on television and radio, that labels warning of the hazards of smoking would be put on cigarette packs, and that cigarette taxes would rise quickly.

The difficulty of being open with the Government was that juries might realize that the companies knew of the hazards, had the means to make a safer cigarette but did not do so. The jurors, he said, might have an "emotional reaction" and go against the companies.

He proposed, finally, that the industry should challenge whatever parts of the Surgeon General's report they could, announce the creation of a new tobacco research institute and announce "our triple, or quadruple or quintuple filter, capable of removing whatever constituent of smoke is currently suspect while delivering full

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flavor — and incidentally — a nice jolt of nicotine.”

“And if we are the first to be able to make and sustain that claim,” the memo said, “what price Kent?”

Mr. Yeaman, reached at his home in Louisville, said he would not discuss his memorandums over the telephone.

In the years since Mr. Yeaman's analysis, several tobacco companies have created cigarettes that can greatly reduce the amounts of key

disease-causing chemicals, which can nearly eliminate second-hand smoke, and which can nearly eliminate the fire hazard of cigarettes. None are currently on the market.

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No Cigarettes Are 'Light'

Anyone who chooses a brand labeled “light” in the belief that he or she is getting a lower dose of tar and nicotine is deluded. The amounts listed on the cigarette package, the Federal Trade Commission now concedes, bear little or no relation to what the smokers are actually ingesting.

Measurements carried out by tobacco laboratories under F.T.C. supervision are based on tests with machines that hold the cigarette and draw air through it in two-second puffs, one puff per minute, until the cigarette burns close to the filter.

People, however, don't smoke that way. Instead, they compensate for the nearly invisible holes in or near the filter paper that dilute the

smoke — and make for a “lighter” taste or a less satisfying dose of nicotine — by drawing deeper or puffing harder. The holes, furthermore, are often blocked by the smokers' fingers or mouths; and smokers are apt to smoke more of the cigarette than the machine is programmed to. In truth, the person who smokes a “light” cigarette may actually draw in more tar and nicotine than someone who does not.

It is clear that the F.T.C. methods and rating system are flawed. Whether the cigarette industry has deliberately tried and succeeded in designing cigarettes to “beat” the smoking machine remains to be investigated.

APf 05/06 1909 Cigarette Researcher

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WILMINGTON, Del. (AP) — A former Philip Morris researcher who told Congress last week the company suppressed his work on nicotine addiction was later fired by another company after being accused of misleading drug research.

Dr. Victor J. DeNoble was fired by DuPont Merck in 1992, his lawyer Bayard Snyder, confirmed Friday. The firing was first reported Friday in The Wall Street Journal.

DeNoble denies DuPont Merck's claim and filed a wrongful termination and defamation suit in Superior Court in Delaware in 1992. A trial date has not been set, Snyder said.

“We have no information to indicate that any of research for DuPont Merck was questionable,” Snyder said.

DuPont Merck spokeswoman Laura Mastrangelo confirmed DeNoble worked for the company until 1992, but refused to comment further.

Phillip Morris declined to comment Friday. Telephone calls by The Associated Press to DeNoble were not returned.

Last week, DeNoble and another former Philip Morris scientist, Paul Mele, testified before a congressional committee that the company suppressed their in-house studies on the effect of nicotine on rats.

That research, the scientists testified, raised serious questions about the addictive nature of nicotine.

DeNoble and Paul Mele studied rats to see whether they would self-administer nicotine intravenously by pressing a lever. The scientists said the rats frequently self-administered the nicotine, working hard to do so.

DeNoble told Congress the study showed nicotine had the potential for addiction. Philip Morris responded saying DeNoble is misrepresenting his work at the company.

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