

PHILIP MORRIS STATEMENT
Re: New York Times Article
June 9, 1995

NEW YORK -- No new questions concerning the possible jurisdiction of cigarettes by the Food and Drug Administration have been raised by reports this week in the New York Times.

The stories refer, in part, to nicotine research conducted by the company some two decades ago.

This research has never resulted in Philip Morris adding extraneous nicotine or artificially altering the relationship between tar and nicotine in our commercial products.

Nicotine occurs naturally in tobacco and contributes to the taste of cigarettes. In all Philip Morris brands, the amount of nicotine in a finished cigarette is less than the amount present in the raw tobacco from which it is made.

The FDA cannot regulate cigarettes unless Congress changes the Food, Drug and Cosmetic Act to give the FDA new authority. Otherwise, the FDA has no legal authority to assert jurisdiction over the manufacture, sale or use of cigarettes.

Information in the Times article in no way contradicts, or conflicts with, the testimony offered by Philip Morris to a Congressional subcommittee last year.

Philip Morris does not manipulate or independently control levels of nicotine in, or add extraneous nicotine to, its commercial cigarettes.

Despite assertions by plaintiffs' lawyers in today's Times' article, the information that was selectively presented in the June 8 story should not affect the outcome of litigation.

We have not been afforded an opportunity by the Times to view the 2,200 pages of documents it was secretly provided and it selectively used in its report. Those cited to us by the Times were available to plaintiffs in the Cipollone case, which was tried in 1988.

In that case, just as in every case before and since Cipollone, the plaintiffs recovered no damages.

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