

AMA

COMMUNICATIONS

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COMMUNIQUE

News of immediate interest

July 12, 1995

AMA Publication Will Be Biased Rehash Of Old News

The American Medical Association is scheduled to conduct a highly publicized news conference on Thursday, July 13 to announce the inclusion of some of the stolen Brown & Williamson documents in the Journal of the American Medical Association (JAMA).

In advance of the news conference, we have today issued the following statement to the news media:

"The American Medical Association's planned publication of articles relating to Brown & Williamson's stolen documents is little more than a cherry-picking exercise designed to advance its stated mission to eliminate smoking.

"The AMA admitted, that despite its so-called "scientific review," the documents addressed in the JAMA articles "could be subject to a form of selection bias." In addition, the release said the "documents do not provide a complete picture." In fact, the AMA also stated its motive for publishing the articles. According to its own news release, "the AMA maintains an unequivocal stance against tobacco" and added later that its mission was to "force the removal of this scourge from our nation..." Clearly, the JAMA articles do not represent independent scientific review.

"The bottom line is that the AMA's approach to selectively present company documents advances only one agenda — that of the anti-tobacco establishment, including the plaintiffs' litigation, which is involved in extensive litigation against tobacco companies. Brown & Williamson would hope to achieve a fair hearing in the court of public opinion. However, based on continued one-sided presentation of the issues, the company will continue to rely on the legal system, where the facts are presented in an impartial manner and decided by impartial juries.

"The subjects addressed in JAMA, including passive smoking, lawyer involvement and nicotine represent a rehashing of allegations previously reported at length by the news media and discussed in testimony before

Congress. In addition, similar allegations have been made in previous product liability litigation, and when the full facts are presented, juries consistently have found in favor of tobacco companies.

"Among issues addressed in the JAMA articles:

"Passive smoking : The AMA claims that company research concluded that so-called passive smoking "is harmful to health." In fact, the University of California at San Francisco documents do not even include environmental tobacco smoke (ETS) research studies. There is nothing in the reported documents which changes Brown & Williamson's view that ETS has not been established as harmful to health.

"Lawyer involvement : Even the AMA admits to its readers that "lawyers by nature are asked to evaluate proposed courses of action in terms of their legal risks." Since tobacco companies have been involved in product liability litigation for decades, it is even more "natural" that attorneys be involved in defending the company's position. Brown & Williamson's lawyers have conducted themselves appropriately.

"Nicotine addiction : Scientists have yet to agree on a definition or a precise set of circumstances that distinguishes a state of "addiction" from "habit" or "enjoyment." In that context, as B&W stated a year ago, when many of these same documents were attacked in Congress, none of these documents establish that nicotine is addictive. The fact that 40 million people have quit smoking by itself flies in the face of the "addiction label."

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News of immediate interest

July 14, 1995

Balancing The Debate, And In A Big Way!

The American Medical Association had visions of front page headlines when it held a news conference yesterday to announce plans to publish articles about stolen Brown & Williamson documents. Instead, the story was buried inside most newspapers today because of what The Wall Street Journal called a "preemptive strike" by B&W.

It so happened that the AMA's news conference came on the heels of the Food and Drug Administration's (FDA) announcement that a proposal to regulate tobacco had been sent to the White House — a move sharply criticized by some leaders in Congress.

1 Prior to the news conference, B&W issued a news release stating that the AMA's attack was little more than a cherry-picking exercise designed to advance its stated mission to eliminate smoking. B&W also pointed out that the articles for the AMA's weekly journal will be a rehash of allegations previously reported at length by the news media and discussed in testimony before Congress.

B&W's position received excellent coverage in The Wall Street Journal and on national newswire services. The same message was communicated again yesterday in more than three dozen interviews with local and national newspapers and radio and TV stations and networks. Camera crews from ABC, CBS, NBC and CNN taped interviews with Richard Schneider, an attorney from King & Spalding, at B&W's headquarters. The British Broadcasting Corporation (BBC) conducted a telephone interview. In addition, a video news release was provided by satellite to hundreds of TV stations nationwide. As a result, our message was in millions of American homes last night and on their front doorsteps this morning.

Meanwhile, the FDA's action was strongly questioned by House Speaker Newt Gingrich who proclaimed that the agency had "lost its mind".

"If you want an example of big government interfering, it would be the FDA picking a brand new fight when we haven't won the far more serious fights about crack and cocaine and heroin," said Congressman Gingrich (R-Ga.).

Sharing the view of the highest ranking Republican in the House was a high ranking Democrat in the Senate — Senator Wendell Ford (D-Ky.).

Senator Ford said the timing of the AMA news conference and the FDA's announcement was no coincidence, calling it an orchestrated effort by FDA Commissioner David Kessler and his "anti-tobacco cronies".

"He simply does not have the jurisdiction to do this," said Senator Ford. "Under our Constitution, the Congress is charged with writing the laws and the Executive Branch is responsible for executing them. Precedent is clear on this issue. It would take an act of law passed by the Congress and signed by the President to alter the current situation in any way.

1 "Kessler represents what Americans view as the most extreme, left-wing, big government approach to regulation. Americans are clearly sick and tired of this kind of intrusive, over-regulation."

Even the President got into the act, saying it was premature to say whether he is considering regulating nicotine as a drug.

We are obviously making some headway in balancing the debate on issues affecting the tobacco industry. Brown & Williamson will continue to respond vigorously with the facts against unfair attacks designed to destroy our business.

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NEWS RELEASE

FOR IMMEDIATE RELEASE

July 12, 1995

Contact: Tom Fitzgerald
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LOUISVILLE, KY -- Brown & Williamson today issued the following statement regarding the American Medical Association's planned publication of tobacco-related JAMA articles on July 13:

The American Medical Association's planned publication of articles relating to Brown & Williamson's stolen documents is little more than a cherry-picking exercise designed to advance its stated mission to eliminate smoking.

The AMA admitted, that despite its so-called "scientific review," the documents addressed in the JAMA articles "could be subject to a form of selection bias." In addition, the release said the "documents do not provide a complete picture." In fact, the AMA also stated its motive for publishing the articles. According to its own news release, "the AMA maintains an unequivocal stance against tobacco" and added later that its mission was to "force the removal of this scourge from our nation . . ." Clearly, the JAMA articles do not represent independent scientific review.

The bottom line is that the AMA's approach to selectively present company documents advances only one agenda -- that of the anti-tobacco establishment, including the plaintiffs' bar, which is involved in extensive litigation against tobacco companies. Brown & Williamson would hope to achieve a fair hearing in the court of public opinion. However, based on continued one-sided presentation of the issues, the company will continue to rely on the legal system, where the facts are presented in an impartial manner and decided by impartial juries.

The subjects addressed in JAMA, including passive smoking, lawyer involvement and nicotine represent a rehashing of allegations previously reported at length by the news media and discussed in testimony before Congress. In addition, similar allegations have been made in previous product liability litigation, and when the full facts are presented, juries consistently have found in favor of tobacco companies.

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Among issues addressed in the JAMA articles:

Passive smoking : The AMA claims that company research concluded that so-called passive smoking "is harmful to health." In fact, the University of California at San Francisco documents do not even include environmental tobacco smoke (ETS) research studies. There is nothing in the reported documents which changes Brown & Williamson's view that ETS has not been established as harmful to health.

Lawyer involvement : Even the AMA admits to its readers that "lawyers by nature are asked to evaluate proposed courses of action in terms of their legal risks." Since tobacco companies have been involved in product liability litigation for decades, it is even more "natural" that attorneys be involved in defending the company's position. Brown & Williamson's lawyers have conducted themselves appropriately.

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