Committee of Counsel Meeting in NYC August 4, 1977
at Philip Morris at 10:00 AM.

Attendance: see list. WH: Greer, Myers, BW: Pepple,
London, PM: Arendsfelt, Voltyman, Kreel,
Chapman, LL: Stevens,
Selene, Austen, Verb Dean, Shinn,
Don Noel, AB: Janet, RJR: Chiome,
Val Murray, TI Kornegy UST:
Chapman, Harvey Baker.

Federal Toxic Substance Control Act

Do we take a political approach. Hearing to be on Aug. 24 & written comments due on Sept 16. Austen - reference to the word "solely" - "Sonly". Brief statement of problem. Regulations issued August 2, 1977. EPA. "Tobacco & Tobacco Products" Nothing in old regulations. Emanations in the old regulations were really a drag net approach. FEMA. An additive only excluded if principal exempted. "but not derivatives".

New Regulations - tone is not all inclusive but a shot gun approach. Manufacturers are the only one required to report - chemicals & petroleum. Manf. of cigarettes are not required to

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at is a co of co process. 120 days after inventory is published. Rules are to be published in October. Door closes 90 days after publication then 120 days begins to run. Emanations in 86. Statute. Use code nos. with flooring Manufs. Question of chemical changes.

Jerome Chapman recommends that we do not collectively or individually request an advisory opinion from EPA. The decision could be adverse & don't do anything with FEMA. FEMA could put question to EPA.

260,000 would report & there is bound to be extensions.

Flavor Extract Manuf. Association FEMA Bulletin. Their Counsel is Middlecoff. Have Mould get FEMA publication.

Arnold & Porter & C&B - are to go to FEMA & give them our opinion. We believe that our exemption is "comprehensive including additives. End Use" is the key point. Does Middlecoff go back to FEMA - no don't make Middlecoff retreat.

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Warning Notice Case - Bill boards.

See London's memorandum. Weeks from 21 inch letters to 12 & 8 inch letters. Veen Clark to prepare bill boards. We are going to see every thing to narrow.

Summary of situation:

① $100,000 per Co.

② Billboards: B&W 4-6-8 last offer.

PM ~ no

ABI ~ no concept acceptable. but yes to 3 samples. June 1[illegible]

B&W ~ OK & on June 14th.

L&L ~ OK to June 14th letters.

L&M ~

R&R ~

① black bar ② large initial caps ③ three types ④ spacing & bold letters.

Check 4 hinges.

FTC Subpoena Case.

Harvey Baker has talked with Adeburg of JD. Judge Weber.

Summons given to D. S. Marshall.

Judge Gesch - Order to show cause returnable in Sept.

Conference on Aug 19, 1977 - Govt to ask for permission. Schedule for

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Abe Krash: prepare motion to change venue from Wash. to N.Y. If he transfers to NY he doesn't have to deal with the merits. File it with the motions Judge - Hush is on vacation. Motion on Change of Venue. ~~It~~ Rely on Bryant ruling. Hush will cut three procedural motions. Under Hush you may be able to slim down

Warner Lambert Case came down on Monday - knocked out 1st ammendment issue.

Agencies should join in motion.

Scheur ~ question of criminal risk. criminal risk under § 10. We should make individuals named plaintiffs. - Atlantic Richfield Case. see footnotes on 17 + 19. DC Circuit Decision. Also Violation of Due process.

Talk to agencies about being joined as Πs The Great bulk of the case is in N.Y. Be Πs in NY case.

London ~ Move in NYC to stay proceeding in DC + lose + then appeal. Not stay pending appeal.

Govt Motion to Dismiss. + Protective Order
Opposition to Govt Motion to Dismiss. - Oswald London
Hearing On Motions Aug 19, 1977.
Motion for Change of Venue - Krash in 10 days by 15th
file by Monday Aug. 22, 1977
Amend NYC to include agencies. - presidents.

Informational Subpoenas.
Raise Individuals on the 19th.
Reference to Oct 11, th hearing.

"Lunch"

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Feshbein Report

Homeny – prepared critique – C&B secure expert to do a critique to be presented at Hearing. Contract critique work out legally.

What is the scope of the hearing.
Should we surface.
Un appropriate for us to file comments.
Are they trying to bait us.
Feshbein did not research only analysis.

Gordon will hold the hearing.

Aim to restrict advertising and/or themes, where etc.

Asbestos Fund – Bill before congress.
4/10 of 1% tax on cigarettes relative to Asbestos fund – Johns Mansville Bill. No fault. 2% tax on Abestos Manf.

Feshbein
Go after metodology & not what is absent.

Federal Employees Case.

Govt. Counsel accepted our paper. Answer due August 15, 1977. Good arguments to get rid of law suit, we should not intervene. Govt will move to dismiss. Govt disagrees on effect of smoking. Hopefully they won't get to the health issue.

Chase — he if there is a ~~th~~ letter from Social Security Admn in Baltimore — tele Provost. July 21, 1977

D.S. Ct of Appeals For the Dist of Columbia
No. 76-1138
Warner-Lambert Company, Petitioner v. FTC.
Argued March 25, 1977
Decided Aug 2, 1977 Get case. from acid [illegible] [illegible]. Freedom of speech

Eastern Airlines Case + ASH Case on Cigars.
Ti will file a comment paper with CAB. we can't intervene but ask them to review.

Ash Petition FDA Case
C+B's memo went to Senator + will be forwarded to FDA.

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Freedom of Information Act.

Get from Govt. When requesting documents you must be specific. Did we get documents of Adult smoking study. Is smoking + health is specific enough.

A. D. Little Report - see about Economic report.

RJR is doing research work on what is acceptable in smoking + health Adv.

Gori's Draft Paper.

Presented to TWG. Wally Hughes of B&W. wanted to clean up paper. Request for brand names + one company agreed. Paper cleared by NCI. PM objected to the listing of brands. Once you get away from the brands he lists then you are in trouble. Threshold levels. Watch for statistical associations. He lists the way you die. He talks about compensating etc. Also CO. Tone of article was bad. We should not agree to amend letter. We are participating in Gori's paper. Look at Nitrous Oxide. - B&W one or more co will contribute cigarettes. Gori maybe open to discussion. RJR - tell research people to stay away from paper.

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Arendsfeldt – pick your ~~article~~ cancer.

Consider joint response to Hari
Lee

Next Meeting – Thursday Sept 8 at 11:AM
to look at strips. W-N.

Wed Sept 7 Public Smoking

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August 4, 1977

ERNEST PEPPLES	[illegible]	
Martin Jordan,	PWRW+G	B+W
David Dunn	"	"
Harvey Baker	"	"
H. R. Kornegay	T. I.	Ward
H. Thomas Austin	C+B	T.I.
Herbert Dunn	C+B	T.I.
J. H. Pruer	W+M	
Larry Meyer	Paton Boggs et al	- Liggett
Lelie Buck	✓	
Jonas McClendon	Jacobs Medinger	- [illegible]
Timothy M. Finnegan	"	- [illegible]
[illegible]	Ward Gotshal Mangels	[illegible]
R. J. Stevens	Lorillard	
[illegible]	Weil, Gotshal & Mangels	- [illegible]
Ron Goldbrenner	Lorillard	
[illegible]	[illegible]	
Charlie O'Neill	CPW+W	American
Harold B. Murray Jr	Clifford, Glenn McWhorter & Murray	RJR
Max H. Crohn, Jr	RJC	
Donald K. Hoel	Shook, Hardy & Bacon	
James C. Brown	Chadbourne	
Bill [illegible]	Shook, Hardy & [illegible]	
Jerome F. Chapman	Arnold & Porter	P.M.
Abe Krash	" "	P.M.
Lee Holtzman	PM Inc	
Tom Ahrensfeld	"	

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August 4, 1977

Ernest Peeples	[illegible]	
Martin Jordan,	PWRW+G	B+W
David Dunn	"	"
Harvey Baker	"	"
[illegible]	T. d.	Wards
H. Thomas [illegible]	C+B	TI
Herbert Dunn	C+B	T.I.
[illegible]	W+M	
Larry Meyer	Patton Boggs et al	- Liggett
[illegible]	✓	
[illegible]	Jacobs Wedinger	[illegible]
Timothy M. Finnegan	"	[illegible]
[illegible]	[illegible]	[illegible]
R. J. Stevens	Lorillard	
[illegible]	[illegible]	[illegible]
Ron Haldbrenner	Lorillard	
[illegible]	[illegible]	
Charlie O'Neill	CPW+W	American
Harold D. Murray Jr	Clifford, Glass, McWhorter & Finney	RJR
Max H. Crohm, Jr	RJC	
[illegible]	Shook, Hardy & Bacon	
Jerry C. Brown	Chadbourne	
Bill [illegible]	Shook, [illegible]	
Jerome F. Chapman	Arnold & Porter	P.M.
Abe Krash	" "	P.M.
Alex Haltzman	[illegible]	
Tom Ahrens Feld	"	

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