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Committee of Counsel Meeting New York City - Jacobs + Manninger
May 25, 1982 at 10:00.

attendence: PM Holtzman, Fred.
HBA Tom Del Clemens
B&W Ernie Pepple + Bob Sachs
L&M J.H. Lee
RJR Watt + Wayne
J+M Jacobs + Finnegan
SH+B Shaw + Hoel
CB Tenko + Rupp
LL Art Stevens
TI Sam Chilcote

1. Preparation For June 23, Discussion By Dinner Group of Industry Programs.

Public Policy Challenges - Restrictive Smoking, advertising Product Safety - self extinguishing cigarettes, facial costs, Work Place issue. Issues not widely known to the public yet. Programs to be presented (1) Advertise Legal Product - children - smoking is adult habit. (2) Self Extinguishing Fire safety education campaign. (3) Economic - Wharton analysis. Work place. Responsible citizen. June 23, Executive Meeting. Chicago fire. Develop Self Extinguishing cigarettes? Chilcote says no - ante trust factors. NY voting against tobacco institute. Fire fighters are fighting legislation. Cigarettes are not the only problem.

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Education program. Lembo - says if we or one co. could produce a self extinguishing cigarette. Difficult to change the characteristics of a cigarette. RJR + PM probably developing self extinguishing cigarette - watch out for legislation. Right now we have no solution. Stevens LL: proposes new independent testing. Ignition resistant cigarette. We could get get railroad clearance on research product modification. We have a UFAC dialogue. $75,000 research grant to UFAC. Still not good will with the UFAC people. The additive issue is big in NY & there is now proposed NY legislation. Antitrust exemption - on self extinguishing cigarettes. Mention of Guilford Lab. "The Upholstered Furniture Action Council." Consumer Product Safety Commission.

Shenn - Law cases. (1) Risk Benefit theory Calif. theory (2) State of the art. Watch out for admissions by voluntary modifications. Warnings in advertising? Product liability threat. Design cases + injuries inflicted. Use case of a suit - what are we doing to develop a self extinguishing cigarette. Cos with a case have a theory problem. Risk-Benefit cost analysis. Different in every state. I am against Stevens idea of testing. Question of Punitive damages. Chicago Hotel Fire. Beckler Decision in N.Y.? Eli Lilly. The unidentified cigarette. Pinto Case.

Kupp - National Bureau of Standards NBS. New State legislation. TI out of Clay Case. Motion to dismiss. 1st Amendment. NY - live bill Grancia + Gold. Also Granice Smoking bill. Granice Smoking bill defected in Senate but vote to dry on self Extinguishing cig. NY assembly adjourning in June.

May pass in a committee in NY Senate. + Also NY City Bill Self Extinguishing + Fire Safe Cigarette bill. NY, Calif. Mass, Conn, Ill. Oregon, Minn. Iowa, Delaware, Md. NY City, Chicago, Mn. St. Paul, San Francisco. Situation next year will be very active. Chicago Assoc of Commerce + Industry - Rain Committee - Rupp turned it around but lucky.

Rupp - All of these bills are aimed at setting a standard of ignition etc to be met in two years - different state standards Consider Federal Preemption. Meet with K.V. Day on this whole matter.

Rupp says C of C's authorized Rupp to: ① Retained Phil Shaman ② Studies between N.S. + Europe (Asst. Adm of Fire Adm). He says there are differences. Europe has 1/5 the the fire problem of U.S. This could by some time. Complete study $45,000. Put focus on preventive measures. We've gone thru $12,000. Shaman - Fire Data Corporation. He has gone involved in law suits etc. He wants a retainer. 6,000 per mo. for 6 mos. Consult on data, education. This must be considered by Executive Committee. $100,000 to Schaman for the year. Philip S. Schaenman.

Seasons - ① Agree to Sam's fire safety Education program ② Retain CD Philip Schaenman. ③ Federal Exemption in question? Product related research? Next C of C meeting on the June 22, 1982.

Rupp - situation with Mat Shaman + his Self Extinguishing cigarette. Dianice Rell. We ad fire additives. Season - don't approach or talk to Mate Shaman.

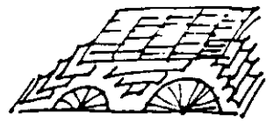
Maurice Bell passed out of govt operations committee with 2 amendments if stds can't be set then come back Ken Ways + Means.

I need to talk to Mott. (other Co's called on Self Extinguishing Cigarette) "People won't buy it & it ups 'T & N content. See what TI said. "Moore" & "Carlton". What do we say. TI° resend questions & Answers & New York Book. "What are you doing on self Extinguishing cigarettes A-We don't discuss product development. Yes - all take position & so will TI°.

2. Dissolution of Cigarette Advertising Code, Inc.

Gordon Vickery. - Fire fighters & donation of money from Code. Donation to The Fund For Fire Safety. CBS is doing special on Self Extng & fires Gordon Vickery. former head of Federal Fire Administration

1. Continued - Industry is "purveyors of sin" - consider youth matter. Consider Product liability. "Smoking is an adult habit" Contemplated - Kids shouldn't smoke" History - Senator Ford suggested positive programs. - develop a smorgus board of youth ads. Executive Meeting in April. Start ads with Communications Committee & received by C of C. Then go to Ex C. Peoples & Stevens - remembered that Ex C has already decided on a Youth program. Can C of C see material before the 22nd.



3. 1911 Consent Decree. Dist. General Counsel - modify or get rid of consent decree. - leave it alone.

4. Ingredients - Next Steps - Lenko hasn't heard from Brandt. He is in Geneva. Wait till we hear from Brandt. No change since May 3, 1982. Get Kersey to update list & send to Lenko - Check amounts. State of N.Y. will want list. FMA & FEMA. fighting with OSHA. Dan Thompson - counsel for FEMA -
Stevens - wants to see entire list.
U objected because this would defeat trade secret & confidential treatment argument. Hon list going before National toxological association. Still can't consider combustion issue.
On Jun 22, discuss submitting list to 2 or 3 Toxicologist to check list. C&B has old FDA expert. We should be doing work now glycerine & Cocoa. Lenko does not have a paper. Old Shellack issue.
Ile Kessler - on toxicologist.

6. Public Smoking - Next Steps.
Rylander of Sweden. & Unfotab. Hoel - met with Dr. Rylander & he will have a small group of scientist. Discuss health factors & passive smoking. He thinks a review article on dosage. Small workshop. Dosesymetry - how to measure. Conference of 5 or 10 people of an intel posture. Conference held in 7 mos at N. of Geneva. Invitees & General Format.

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Unvotab ~ Finnegan - passive smoking. How to deal with issue. Informal task force formed. Various Co. people - will meet. etc.

White + Frank - Charlie Rose failed. Rose Report never has been published. Lebowitz - Worthless scientifically. Put whole question on June Agenda.

7. FTC Mail Test Regarding Warning Signs:
OMB rejected FTC request. Get copy.

8. Special Projects:

Vernon Riley - died. but same project by Dr. Spolman on stress. 1 year.

Oliver Brooks ~

9. Termination of NCI Beagle Study. Don't terminated - no mention of Study in Surgeon Genl's report. Alex Spiers on review committee. Any data? Negative? Dr Vetter? No pathology. Let pursue. Same as Hammond Study.

Retrieval System ~ LRD.
3 complaints on discrimination. - Race & religion. Federal Suit. 2 at State level. Black Panther. Petrillo over him, Judas - Dickerson. Geller - adm.
Fred Geller: tele Frank Decker
PU - Send Papers to Frank Decker

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10. Response to May 11, Wall Street Journal Article
all opposed to responding to Article.

11. Draft 5/25/82. Final Draft.
Tenbo says it is all right anti-trust wise.

12 FTC tele LL - on changing testing + removing from FTC. LL doesn't want to take it over. FTC will press. What they will do with their testing program. Cost $500,000 B&W & Rupp saw FTC on subject.
FTC to internally meet with us on 24th of May. Agreed we send Rupp over.

Next Meeting Changed
June 22, 1982 American Brands
at 10:00 AM

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