

PILLSBURY, MADISON & SUTRO**MEMORANDUM****FOR FILE**

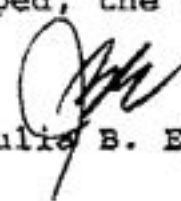
March 29, 1989

**California Proposition 65 -
April 1, 1988 Tobacco Smoke
Listings**

I spoke with T. E. Warriner in the afternoon on March 28, 1989. He had seen C. C. Thompson earlier that day and, thus, had a general sense that the matter we raised will not be quickly resolved at the Attorney General's office.

We discussed whether Mr. Warriner would consider providing interim guidance to tobacco manufacturers. I approached the question from several perspectives, and the answer was that no interim guidance was possible. Mr. Warriner said he thought it would not be wise, and would be misleading, for him to advise tobacco manufacturers that they need not provide Proposition 65 secondary tobacco smoke warnings on April 1, 1989 since he knew that the "chief enforcer" of Proposition 65, the Attorney General's office, had not settled on a position.

Mr. Warriner suggested that it is in the tobacco industry's interest to have the Attorney General's office settle the matter quickly. He believes Mr. Thompson is doing everything he can. To the extent the industry can influence Ms. Andrea Orden, Mr. Thompson's superior, to address the question, it would move the project along. Should some manufacturer warnings appear, Mr. Warriner would still see a value to responding to our question. He referred to instances where in other circumstances overwarning occurred at early stages and as the matter developed, the cases of overwarning were eliminated.


Julie B. Epley

cc: Mr. E. C. McLean, Jr.
Mr. G. A. Sears

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