

## SEES NO SMOKING TIE TO A CANCER

Doctor Testifies for Defense  
at Cigarette Damage  
Suit Trial.

### 'NOT EVEN A SUSPECT'

Smoke Could Not Have Gotten  
to Affected Tissues, Spe-  
cialist Says.

A retired specialist testified today that he does not believe "smoking can be considered as a suspect, much less as a cause" of cancer in John T. Ross's case.

Dr. Louis Clerf, St. Petersburg, Fla., was the first witness for the defense in the U. S. District court damage suit of Ross against the Philip Morris company.

Ross is contending that smoking caused his cancer.

#### Presented as Expert.

David Hardy, attorney for Philip Morris, devoted 40 minutes at the opening of direct examination to the qualifying of Dr. Clerf as an authority and expert on otolaryngology.

It was pointed out that Dr. Clerf, as a teacher, has instructed some 4,000 doctors—in addition to between 800 and 900 specialists—in throat ailments.

Dr. Clerf said he has performed more than 1,200 throat operations for cancer and at least 1,400 or 1,500 major surgical procedures on the larynx.

#### "In Digestive Tract."

Hardy said the defense is contending that the location of the cancer in Ross's throat was a part of the digestive tract rather than of the respiratory tract. It is contended Hardy said, that it would be impossible for smoke or air to get into the location because it is impossible for a person to swallow and breathe at the same time.

Dr. Clerf agreed, adding that the action of breathing obliterates the sinus-like area in which the cancer was present.

Hardy asked specifically whether a person could breathe and swallow at the same time.

Dr. Clerf replied:

"I don't believe one could do it short of a lot of practice, and probably couldn't do it then."

Hardy: Did you ever know anyone who could do it?

Dr. Clerf: No.

Hardy: Is it possible while smoking to have smoke eddy and swirl and leave deposits in the site we are discussing?

Dr. Clerf: I don't think so.

Hardy: While breathing, would air or smoke go into the area?

Dr. Clerf: It is not an air containing space during respiration, as it is closed.

#### Assist From Photos.

Enlarged photographs, 30 inches high, of tissues taken from Ross were used for illustrations in Dr. Clerf's testimony.

Shortly before the noon recess at 12:30 o'clock, Lyman Field, attorney for Ross, started his cross-examination of the witness.

It has been established by Hardy, through questioning, that Dr. Clerf was a member of several professional organizations, none of which had publicly endorsed the theory that smoking can cause cancer.

Field, in questioning Dr. Clerf, determined that neither had the organization said outright that smoking could not cause cancer.

The cross-examination was to have been resumed at 2 o'clock.

## NO CANCER LINK, PATHOLOGIST SAYS

Smoking Not Tied to Type  
of Throat Cancer, Doctor  
Testifies.

### 'NONE IN FOOD TRACT'

Dr. Lauren V. Ackerman Is  
Witness for Philip Morris  
in Trial.

A pathologist with long experience in cancer treatment testified today there is no relation between cigarette smoking and cancer in the throat area in which a plaintiff contends he suffered the disease as the result of smoking Philip Morris cigarettes.

Dr. Lauren V. Ackerman, the second defense witness to appear in the damage suit against the tobacco company, added that it would be impossible to get smoke into the food tract.

Nor could Lyman Field, attorney for John T. Ross, shake the doctor from his testimony during cross-examination.

#### Extensive Experience.

David Hardy, representing Philip Morris, brought out in the jury trial before Judge Floyd R. Gibson in U. S. District court that Dr. Ackerman saw as many as 17,000 cancer surgical specimens a year while serving as pathologist in the Massachusetts cancer hospital. Later, between 1940 and 1948 Dr. Ackerman was pathologist and part of the time was director of the Missouri cancer hospital in Columbia. He now is an instructor in pathology at the school of medicine at Washington university, St. Louis.

Continuing in an effort to establish Dr. Ackerman as an expert, Hardy showed the doctor is the United States representative to the International Union Against Cancer, the pathologist on a 10-member commission of the American Cancer Society which determines the awarding of grants for research and has taught and lectured in a dozen foreign countries.

#### "A Distinct Nature."

First commenting on cancer in general, Dr. Ackerman said "each particular cancer in each particular organ in each particular location has its own distinct life history . . ."

Hardy asked the witness if cancer is many diseases.

"Yes," replied the doctor, "in my file I have 3,000 cases."

Dr. Ackerman then identified Ross's cancer as being located wholly within the gastrointestinal tract and said there was "absolutely no evidence of cancer anywhere else." Ross, he added, did not have cancer of the larynx.

Hardy then performed a demonstration that he said was to show that smoke could not get into the area where Ross's cancer allegedly occurred.

He filled his mouth with water from a glass on the court clerk's table and breathed at least four times, then swallowed.

Dr. Ackerman, who was watching closely, commented "that was a very nice swallow."

Hardy asked the doctor what would have happened if the water had eddied around the larynx or swirled around where Ross's cancer occurred.

"You wouldn't have been able to testify," the pathologist replied.

At this point Hardy pulled a package of Philip Morris cigarettes from his pocket and asked Judge Gibson if he would relax the "no smoking" rule in the courtroom for "one puff."

Field jumped to his feet and objected that Hardy's proposal would be an improper demonstration. The jurist upheld the objection.

Under questioning by Hardy, Dr. Ackerman told the court that the region in which Ross allegedly suffered the disease is normally closed and the only time it opens is to permit food and drink to pass through to the stomach.

The witness emphasized his testimony related to cancer of the digestive tract and not the respiratory tract.

During cross-examination by Field, Dr. Ackerman acknowledged he has been paid \$1,875 over the last four years in consultation fees in connection with the case.