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# Missouri Plans To Sue Makers Of Cigarettes

## Consumer-Protection Laws Are Basis

By Kim Ball

Post-Dispatch Jefferson City Bureau

JEFFERSON CITY — Missouri will file suit against leading tobacco companies, charging that they targeted children in ad campaigns and lied about the addictiveness of nicotine, Attorney General Jay Nixon announced Wednesday.

Nixon said the suit, to be filed in state court within a few weeks, will contend that the cigarette manufacturers violated Missouri's consumer-protection laws.

"For too long, there's been a pattern of misrepresentation, both in the amounts and addictive qualities of nicotine and on the marketing to kids," Nixon said.

As the country's sentiment against tobacco companies intensifies, Nixon would become the 24th attorney general to follow Mississippi Attorney General Michael C. Moore, who filed suit in 1994.

Nixon identified the company defendants as "the big five": Philip Morris Cos., RJR Nabisco, Liggett Group Inc., Brown & Williamson Tobacco Corp. and American Tobacco Co. Inc.

Philip Morris spokeswoman Patricia Magarro said the company would not comment until the suit had been filed. RJR Nabisco could not be reached for comment.

Nixon's announcement follows last week's disclosure that tobacco executives have been negotiating a settlement that could cost the industry hundreds of billions of dollars.

"Previously, these major tobacco companies had refused even the possibility of settlement, and now there may be an opportunity to settle without protracted and expensive litigation," Nixon said.

Missouri consumer-protection laws prohibit "deception, fraud, misrepresentation or suppression of any material fact" in connection with the sale or advertising of merchandise.

"We can get \$1,000 per violation, and I'm not sure how many packs of cigarettes they sold," Nixon said.

"We now have proof that these companies have broken the laws of Missouri by willfully targeting young people and knowingly lying about the addictive nature of nicotine."

The industry was rocked when Liggett executives this year admitted that smoking is addictive and turned



Nixon

over sensitive documents to states about the health risks and marketing to youth.

The state can seek an injunction and recoup Medicaid health costs of people who were smokers.

Nixon declined to say how much he believes the state spent to treat smoking-related illnesses.

Tobacco companies have said they spend more than \$4 billion a year in advertising and promotions but insist that they do not target children.

They say they also spend hundreds of thousands of dollars on signs warning teenagers that buying cigarettes is illegal.

Last winter, for example, Michael York, a lawyer for Philip Morris said: "The fact is, this company doesn't market to kids."

The communications director for the Campaign for Tobacco-Free Kids, Kathryn Kahler Vose, said Camel's market share of underage smokers quadrupled in the late 1980s when

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