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Three smokers sue tobacco firms in class action

Companies have known for years cigarettes harmful, suit alleges

BY HARVEY MACKINNA The Globe and Mail

Three Ontario smokers... filed a class-action lawsuit against Canada's tobacco giants...

The three plaintiffs... filed the \$1-million suit in the Ontario Court's General Division...

The suit names Imperial Tobacco Ltd., Richardson-Gilman & Hedger Inc. and RJR-MacDonald Inc.

If the suit is accepted by the court, thousands of other smokers... would automatically raise the total class size against the companies.

The whole purpose of this suit is not the money... it's to get the message out there to stop kids getting into this stuff.

...cancer. "I'd like to see pictures of my lungs and see what harm they are putting on me."

The other plaintiffs are David Caputo, 26, of Newmarket, who has cancer of the tongue, and Linda Koch, 55, of Port Huron, who suffers from "shortness of breath and smoker's cough," according to the suit.

All three claim to be addicted to cigarettes and are seeking "aggravated punitive and exemplary damages" for their injuries.

A lawsuit of personal liability suits have been filed in Canada, but this is believed to be the first class-action suit.

An anti-ops lawyer has been involved in the United States. In November, a Florida judge allowed the first-ever class-action suit against U.S. tobacco companies on behalf of "all individuals living and dead who could not quit smoking because of their addiction to nicotine and have suffered from other diseases and ill health allegedly caused by smoking."

Smokers sue three big tobacco companies

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The Ontario lawsuit alleges that the three Canadian tobacco companies conspired to "deprive the public" of information about the dangers of smoking and the addictive nature of nicotine...

The companies "should have been aware of the addictive nature of the nicotine in the product," the lawsuit says.

The suit also alleges that the companies conspired to target children, teens and women in their advertising.

It claims that the companies conspired to "design cigarettes which maximize the nicotine and tar content..."

It adds that the defendants also "deliberately inflated the amount of nicotine contained in cigarettes..."

Tobacco companies have repeatedly denied manufacturing the amount of nicotine widely believed to be the addictive ingredient in tobacco.

The conspiracy constitutes a "questionable and outrageous disregard for the health and well-being of the plaintiffs and members of the class..."

through the concerted effort to profit irrespective of the damage caused," the lawsuit says.

The suit was filed under Ontario's representative class proceedings Act.

David Mann, associate director of the Canadian Council on Smoking and Health, said the suit could be "a watershed" for the fight against smoking in Canada.

Dr. Mann and Canadian suits have been rare in the past because smokers in this country are significantly fewer than in the United States, a scenario that acts as a deterrent to class proceedings here.

He credited firms of tobacco-related lawsuits in the United States for providing U.S. first-hand claims, such as McDonald's Corp., to his smoking in their restaurants.

Robert Parker, president of the Canadian Tobacco Manufacturers' Council, said the tobacco companies were not aware of the Ontario suit. He refused to make any comment.

Officials of the three tobacco companies and their lawyers were unavailable for comment. Tobacco companies vehemently deny their marketing and research claims are linked to that smoking is addictive.

The lawyer for the three Ontario smokers, Richard Summers, also could not be reached for comment.

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