

Scientific Aspects of Product Liability Cases

The Cillopone case in the U.S.A. was the first in which 'discovery' was an important issue. Documents belonging to the companies concerned were used in court in an attempt to show, amongst other things, that the defendant companies (Philip Morris, Lorrillard, Liggett and Myers) had behaved irresponsibly in relation to their knowledge of the association between smoking and disease. However the jury found for the defendants on this issue.

Nevertheless scientific issues were discussed in considerably more detail than any previous case. There are already signs (e.g. in Norway) that the Cillopone case will encourage further cases to be brought on a similar basis.

The following scientific aspects will be discussed:

- (1) Diseases claimed to be caused by smoking (e.g. Buerger's disease, Emphysema, various types of lung cancer).
- (2) Claims for 'safer' cigarettes.
- (3) Addiction.

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