

Scion of tobacco company says product liability fight will succeed

By Bruce Mohl
Globe Staff

Patrick J. Reynolds, grandson of the founder of the R.J. Reynolds Tobacco Co., said yesterday it is a "statistical certainty" that one of the 145 product liability cases pending against tobacco companies will succeed.

Reynolds, an actor who gave up smoking two years ago and has since become an outspoken opponent of cigarette companies, was the keynote speaker at the third annual conference of the Tobacco Products Liability Project at Northeastern University. He said a court victory would spur even more lawsuits and force tobacco companies to shoulder part of the financial and health insurance costs of smoking-related illnesses.

"It will take the price [of a pack of cigarettes] out of the reach of young teen-agers and preteens, thereby preventing another generation from getting hooked," Reynolds said. "And it will make

the cigarettes which are sold bear appropriate voluntary warnings, such as the words 'highly addictive' and 'Danger: Lethal Poison' neatly positioned above a skull and crossbones."

The conference drew about 40 attorneys and health specialists from all over the country who are interested in promoting product liability lawsuits against tobacco companies. The cases are similar to the asbestos cases of the 1970s and early 1980s, which forced companies such as Johns Manville into bankruptcy. Asbestos has been found to cause cancer.

No tobacco company has been found guilty, although few cases have gone to trial. Officials connected with the tobacco industry could not be reached yesterday, but their claim in the past has been that smokers are well aware of the health dangers of smoking.

Daniel Childs, a Philadelphia attorney bringing a class-action asbestos suit on behalf of almost 1,500 workers, said a judge's rul-

ing on apportioning damages in his case forced him to also file suit against several tobacco companies. He said he now hopes to get the asbestos and tobacco companies fighting each other to determine who should pay damages to his clients.

In the course of his research on the case, Childs said he uncovered patents from the early 1960s indicating that tobacco firms used asbestos to help reduce the burn temperature of their cigarettes.

He also said a Texas attorney at the conference gave him a deposition from another case indicating that a lab analysis of a Camel cigarette last year found more than 19 million fibers of asbestos.

"I thought it happened 25 years ago," Childs said of the use of asbestos in cigarettes. "The 1986 version is something very recent and very shocking."

Other lawyers at the conference, however, said such lab tests are often unreliable. They also said similar cigarette tests elsewhere found no evidence of asbestos.

Ronald M. Davis, an official at the US Centers for Disease Control in Atlanta and a member of the

board of trustees of the American Medical Association, gave a presentation on the use of advertising by tobacco companies. The AMA last year proposed a ban on all cigarette advertising.

Davis presented statistics indicating spending by tobacco companies on advertising and promotion has increased from \$300 million in 1974 to more than \$2.1 billion in 1984. He charged that cigarette companies have tried to increase sales of low-tar and nicotine cigarettes to stop health-conscious smokers from quitting.

He said his research indicated the companies increasingly were directing their advertising at blue-collar workers. Highlighting a quotation from one tobacco industry official about the emphasis on blue-collar workers, Davis said, "It's almost as if he's admitting that you have to be stupid to smoke ... Wouldn't it be interesting to ask him about that on the stand?"

David also criticized cigarette advertising aimed at teen-agers and a recent joint promotion by RJR Industries, maker of Winston cigarettes, the National Football League and Scripto lighters.

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Low-Level Asbestos May Be Promoter, but Not Cause of Lung Ca

MONTREAL — The absence of excess lung cancer cases at low levels of exposure suggests that asbestos is a promoter but may not be a carcinogen as such, Dr. Kevin Browne said at an international conference on environmental lung disease sponsored by the American College of Chest Physicians.

Evidence from radiology, pathology, and animal studies points to interstitial fibrosis as the actual link between asbestos exposure and lung cancer. "The picture is remarkably consistent: Excess lung cancer only occurs in the presence of asbestosis," said Dr. Browne, of the department of occupa-

tional medicine at Brompton Hospital, London.

Results of eight studies of asbestos-exposed industrial workers suggest a threshold of exposure below which the relative risk of lung cancer does not increase. This contradicts the once widely held belief that the dose-response relationship between asbestos and lung cancer remains linear at all levels of exposure, he said.

In a study of workers in an extremely dusty factory in Paterson, N.J., no increase in lung cancer above expected incidence was found among workers employed there for less than 6 months.

Data from a number of sources indicate an exposure threshold below which lung cancer risk does not increase, in



Dr. Browne

the area of 25 fibers per milliliter of air for 1 year or equivalent. "Asbestos is

very inert. At worst, it may be a promoter, but not a carcinogen," he said.

Results of human and animal studies imply that interstitial fibrosis may be more directly linked to increased lung cancer risk. Fibrosis, even when unrelated to asbestos exposure, is strongly associated with malignancy.

The most plausible biologic mechanism might link bronchoalveolar hyperplasia to neoplastic change. "Chronic tissue regeneration seems to be the important point, not a specific carcinogen."

"A reappraisal of the role of respirable fibers in increasing lung cancer risk is needed," Dr. Browne said.