Tobacco in Australia Facts & Issues

Relevant news and research

16.1 Personal injury claims against the tobacco industry

Last updated December 2024

R	esearch:	1
	16.1.8 Damages	2
	lews reports:	
	16.1.2 Choosing a plaintiff	
	16.1.8 Damages	
	16.1.10 Key differences between Australian and US litigation	
	TO.I.IO NEY UNITED INCOME DELIMENT AUSTRALIAN AND HINGARION	フ

Research:

Lee, SG. Proving causation with epidemiological evidence in tobacco lawsuits. J Prev Med Public Health. 2016 Mar;49(2):80-96. Available from: http://www.ncbi.nlm.nih.gov/pubmed/27055545

Callard, C et al. The 'common knowledge' of Quebecers: quantifying the evidence of historians testifying for defendant tobacco companies. Tob Control, 2015. Available from: http://www.ncbi.nlm.nih.gov/pubmed/26614760

Dyer, O. Canadian tobacco firms are ordered to pay pound8bn for damage from smoking. BMJ, 2015. Available from: http://www.ncbi.nlm.nih.gov/pubmed/26045623

Mayor, S. Smokers in England and Wales launch campaign for class action against tobacco companies. BMJ, 2015. Available from: http://www.ncbi.nlm.nih.gov/pubmed/26345417

tobaccoinaustralia.org.au

McCaffree DR, Strader T, and Bisbee J. A brief history of the tobacco settlement in oklahoma. Am J Prev Med, 2015; 48(1 Suppl 1):S3-5. Available from:

http://www.ncbi.nlm.nih.gov/pubmed/25528704

McCarthy M. US court cannot force tobacco companies to say they are "unscrupulous villains," claims industry appeal. BMJ, 2015; 350:h169. Available from:

http://www.ncbi.nlm.nih.gov/pubmed/25587070

Bledsoe JR, Christiani DC, and Kradin RL. Smoking-associated fibrosis and pulmonary asbestosis. Int J Chron Obstruct Pulmon Dis, 2015; 10:31-7. Available from:

http://www.ncbi.nlm.nih.gov/pubmed/25565798

Moulton D. All provinces can now sue big tobacco. CMAJ, 2014; 186(18):E662. Available from: http://www.ncbi.nlm.nih.gov/pubmed/25367422

Furlow B. RJ Reynolds to appeal US\$23 billion tobacco-death ruling. Lancet Respir Med, 2014; 2(9):690. Available from: http://www.ncbi.nlm.nih.gov/pubmed/25346961

Mahood G. Tobacco lawsuits hold public health potential. Can Nurse, 2014; 110(7):42. Available from: http://www.ncbi.nlm.nih.gov/pubmed/25920168

16.1.8 Damages

Dyer, O. (2019). Canada: tobacco companies must pay C\$16bn to Quebec smokers, appeal court rules. *BMJ*, 364, l1044. Available from: https://www.ncbi.nlm.nih.gov/pubmed/30842106

News reports:

Sherman, N. Tobacco firms to pay \$23.6bn in proposed Canada settlement. *BBC News*, 2024. Oct 19, 2024. Retrieved from https://www.bbc.com/news/articles/cvgx74ldnweo

Tayeb, Z. Florida jury orders R.J. Reynolds Tobacco Company to pay \$9.75 million to family of a woman who died from respiratory disease caused by smoking cigarettes. *Insider*, 2022. Feb 6, 2022. Retrieved from https://www.businessinsider.com/rj-reynolds-lawsuit-florida-jury-woman-died-smoking-2022-2?r=US&IR=T

Griffith, J. Florida jury awards gay man \$157 million from tobacco companies in death of spouse. *NBC News*, 2019. Nov 21, 2019. Available from https://www.nbcnews.com/feature/nbc-out/florida-jury-awards-gay-man-157-million-tobacco-companies-death-n1086281

Callard, C. Tobacco companies will ask for litigation stay to be extended to 1 year. *Eye on the Trials*, 2019. Sept 21, 2019. Available from: https://tobaccotrial.blogspot.com/2019/09/tobacco-companies-will-ask-for.html

Sammon, J. Defense in Philip Morris trial says smoking danger was known early. *Flare Cord*, 2019. Apr 13, 2019. Available from: https://flarecord.com/stories/512426613-defense-in-philip-morris-trial-says-smoking-danger-was-known-early

Chuwiruch, N, Sutherland, J, Tuttle, R. Japan Tobacco Wins Court Protection in Canada Over Smoking. Bloomberg, 2019. Mar 9, 2019. Available from:

https://www.bloomberg.com/news/articles/2019-03-09/japan-tobacco-s-unit-granted-creditor-protection-by-quebec-court

Laframboise, K. Quebec Court of Appeal upholds ruling ordering tobacco companies to pay billions to smokers. Global News, 2019. Mar 1, 2019. Available from:

https://globalnews.ca/news/5013918/quebec-tobacco-lawsuit-upheld-court-of-appeals/

Mulier, T, Rastello, S. Big Tobacco's Legal Woes in Canada Pose Biggest Risk in Decades. Bloomberg, 2019. Mar 30, 2019. Available from: https://www.bloomberg.com/news/articles/2019-03-20/big-tobacco-s-legal-woes-in-canada-pose-severest-risk-in-decades

No authors listed. BAT poised to take £436m hit after Canadian appeal court ruling. Financial Times, 2019. Mar 5, 2019. Available from: https://ash.us14.list-manage.com/track/click?u=3d5578d8735672472bede942b&id=9715b44777&e=a9265a5c3b

No authors listed. British American Tobacco wins reprieve in Quebec lawsuit. Financial Times, 2019. Mar 13, 2019. Available from: https://ash.us14.list-manage.com/track/click?u=3d5578d8735672472bede942b&id=0441f0c1db&e=a9265a5c3b

Parent, Morissette; Hilton; Bich; Kasirer. Imperial Tobacco Canada et al. c. Conseil Québécois sur le tabac et la santé et al. Court of Appeal of Quebec, 2019.Mar 1, 2019. Available from: http://courdappelduquebec.ca/en/judgments/details/article/imperial-tobacco-canada-et-al-c-conseil-quebecois-sur-le-tabac-et-la-sante-et-al/cont/News/action/detail/

Reuters. Philip Morris says Canadian unit RBH granted creditor protection. Daily Mail Australia, 2019. Mar 23, 2019. Available from: https://www.mailonsunday.co.uk/wires/reuters/article-6841455/Philip-Morris-says-Canadian-unit-RBH-granted-creditor-protection.html

Stock Market Wire. British American Tobacco gets temporary reprieve in Quebec lawsuit. AJ Bell You Invest, 2019. Mar 13, 2019. Available from:

https://www.youinvest.co.uk/articles/stockmarketwire/168121/british-american-tobacco-gets-temporary-reprieve-quebec-lawsuit

No author listed. Shepard Law Co-Counsel in Lawsuit Against Asbestos and Tobacco Defendants That Results in \$43 Million Verdict. SPi News Home, 2018. Oct 17, 2018. Available from: http://www.sectorpublishingintelligence.co.uk/news/2117464/shepard-law-cocounsel-in-lawsuit-against-asbestos-and-tobacco-defendants-that-results-in-3643-million-verdict

Cotsirilos, Teresa. Opening statements begin in Bethel tobacco trial. Alaska Public Media, 2018. Apr 16, 2018. Available from: https://www.alaskapublic.org/2018/04/12/opening-statements-begin-in-bethel-tobacco-trial/

Menders, Stephanie. \$28.1M judgment upheld in former Norwich woman's suit against tobacco company. Norwich Bulletin, 2018. Mar 5, 2018. Available from: http://www.norwichbulletin.com/news/20180228/281m-judgment-upheld-in-former-norwich-womans-suit-against-tobacco-company

No authors listed. Jury Awards \$17.5 Million In Trial Against R.J. Reynolds Tobacco Company And Philip Morris. PR Newswire, 2018. Feb 22, 2018. Available from:

https://www.prnewswire.com/news-releases/jury-awards-175-million-in-trial-against-rj-reynolds-tobacco-company-and-philip-morris-300598306.html

No authors listed. Amsterdam backs anti-smoking court case, aims for smoke-free city. Dutch News, 2018. Feb 12, 2018. Available from: http://www.dutchnews.nl/news/archives/2018/02/amsterdam-backs-anti-smoking-court-case-aims-for-smoke-free-city/

No authors listed. Addiction clinics join Dutch criminal case against big tobacco. Dutch News, 2018. Feb 13, 2018. Available from: http://www.dutchnews.nl/news/archives/2018/02/addiction-clinics-join-dutch-criminal-case-against-big-tobacco/

Apen-Sadler, Dianne. Health bosses hand medical records of 180,000 British lung cancer patients to US firm working for one of world's biggest tobacco companies. Daily Mail, Jan 2018. Available from: http://www.dailymail.co.uk/news/article-5269989/Cancer-patient-records-given-firm-working-Marlboro.html#comments

No authors listed. Health officials defend handing cancer data to tobacco-linked firm. Times Malta, 2018. Jan 15, 2018. Available from: https://www.timesofmalta.com/articles/view/20180115/health-fitness/health-officials-defend-handing-cancer-data-to-tobacco-linked-firm.668048

Hellen, Nicholas. Tobacco firms may face 'murder' trials. Sunday Times, 2017. Nov 12, 2017. Available from: https://www.thetimes.co.uk/edition/news/tobacco-firms-may-face-murder-trials-cg2rpv37j

No authors listed. Smokers bring case against the tobacco industry. Attempted murder, manslaughter, grievous bodily harm and falsification of documents. Stichting Rookpreventie Jeugd [Youth Smoking Prevention), 2017. Available from: http://www.stichtingrookpreventiejeugd.nl/over-rookpreventie-jeugd/english/item/86-smokers-bring-case-against-the-tobacco-industry

No authors listed. Trial to begin against Philip Morris in smoker's death. Daily Mail, 2017. Oct 22, 2017. Available from: http://www.mailonsunday.co.uk/wires/ap/article-5006635/Trial-begin-against-Philip-Morris-smokers-death.html

No authors listed. Cigarette Companies See Lawsuits Over Mesothelioma and Cancer From Asbestos in Filters. Mesothelioma.net, 2017. Sept 21, 2017. Available from:

https://mesothelioma.net/mesothelioma-news/cigarette-companies-see-lawsuits-mesothelioma-cancer-asbestos-filters/

No authors listed. One of Australia's richest citizens is preparing to take on Big Tobacco. The Daily Telegraph, 2017. Available from: http://www.dailytelegraph.com.au/news/nsw/one-of-australias-richest-citizens-is-preparing-to-take-on-big-tobacco/news-story/efff64978ef1cb3a0d2c1e2504a7620a

Collins, Dave. The Connecticut Supreme Court has ruled that lawsuits against cigarette manufacturers aren't prohibited in the state by an exemption in liability law. U.S.News, 2016. Apr 25, 2016. Available from: http://www.usnews.com/news/business/articles/2016-04-25/court-law-doesnt-bar-suits-against-cigarette-manufacturers

Mann, Jennifer. St. Louis jury sides with Philip Morris in class-action suit seeking \$1.5 billion [St. Louis Post-Dispatch]. Bloomberg, 2016. Apr 8, 2016. Available from: http://www.bloomberg.com/research/markets/news/article.asp?docKey=600-201604080001KRTRIB BUSNEWS 55412 24801-1

Saunders, Jim. Tobacco industry takes hit in punitive damages ruling. TheLedger.com, 2016. Mar 17, 2016. Available from: http://www.theledger.com/article/20160317/NEWS/160319471

Chown, Jon. Tobacco opponent takes on movie industry. Courthouse News Service, 2016. Feb 29, 2016. Available from: http://www.courthousenews.com/2016/02/29/tobacco-opponent-takes-on-movie-industry.htm

Lowrey, Brandon. Big Tobacco hit with \$9M verdict for computer whiz's cancer. Law360, 2016. Feb 12, 2016. Available from: https://www.law360.com/articles/759042/big-tobacco-hit-with-9m-verdict-for-computer-whiz-s-cancer

No authors listed. A federal jury has rejected claims by a group of Massachusetts smokers who sued Philip Morris USA to try to force the cigarette maker to pay for lung cancer screenings. Associated Press, 2016. Feb 11, 2016. Available from: http://www.usnews.com/news/business/articles/2016-02-11/jury-smokers-didnt-prove-marlboros-have-defective-design

Bolado, Carolina. \$55M in tobacco damages reversed over jury instructions. Law 360, 2016. Jan 6, 2016. Available from: http://www.law360.com/florida/articles/743335/-55m-tobacco-damages-award-reversed-over-jury-instructions

Crisco, Arlin. R.J. Reynolds cleared in \$14M trial over hospital worker's fatal cancer. CVN, 2016. Jan 27, 2016. Available from: http://blog.cvn.com/r.j.-reynolds-cleared-of-liability-in-14m-cancer-trial

Crisco, Arlin. Jurors award \$240K, find smoker 98% responsible for COPD in trial against tobacco giants. Courtroom View Network (CVN), 2016. Jan 30, 2016. Available from: http://blog.cvn.com/jurors-award-240k-find-smoker-98-responsible-for-copd-in-trial-against-tobacco-giants

Lowrey, Brandon. RJR, Philip Morris hit with \$35M verdict for smoker's death. Law360, 2015. Dec 22, 2015. Available from: https://www.law360.com/articles/741285/breaking-reynolds-philip-morris-hit-with-35m-verdict-in-smoker-s-death

Ampel, Celia. \$10.5 million award for family of woman who smoked 21 different brands. Daily Business Review, 2015. July 22, 2015. Available from:

http://www.dailybusinessreview.com/id=1202732806151/105-Million-Award-for--Family-of-Woman-Who-Smoked-21-Different-Brands?slreturn=20151120155835

Crisco, Arlin. R.J. Reynolds pevails in \$9M suit over smoker's deadly lung cancer. CVN, 2015. Oct 26, 2015. Available from: http://blog.cvn.com/r.j.-reynolds-prevails-in-9m-suit-over-smokers-deadly-lung-cancer

Sharp, Alastair. UPDATE 2-Canada court orders tobacco companies to set aside almost C\$1 bln. Reuters, 2015. Oct 28, 2015. Available from:

http://af.reuters.com/article/commoditiesNews/idAFL1N12R3HQ20151028

Lowrey, Brandon. Smoker who lost lung, voice seeks \$21M from tobacco cos. Law 360, 2015. Sept 4, 2015. Available from: https://www.law360.com/articles/699686/smoker-who-lost-lung-voice-seeks-21m-from-tobacco-cos-

Lowrey, Brandon. Tobacco cos. win defense verdict in \$50M cancer trial. Law 360, 2015. Sept 22, 2015. Available from: http://www.law360.com/topnews/articles/705953/breaking-tobacco-cos-windefense-verdict-in-50m-cancer-trial

No authors listed. Avera & Smith secures \$34 million tobacco case judgment against R.J. Reynolds for family of deceased lung cancer victim. PR Newswire, 2015. Sept 14, 2015. Available from:

http://www.prnewswire.com/news-releases/avera--smith-secures-34-million-tobacco-case-judgment-against-rj-reynolds-for-family-of-deceased-lung-cancer-victim-300142440.html

No authors listed. What does peanut butter have to do with tobacco? Action on Smoking and Health (ASH UK), 2015. Sept 21, 2015. Available from: http://ash.org/peanut-butter-and-tobacco/

Wilson, Daniel. DC circ. urged to revive Philip Morris FCA suit. Law 360, 2015. Sept 2, 2015. Available from: https://www.law360.com/articles/698224/dc-circ-urged-to-revive-philip-morris-fca-suit

Hill, Will, Vickerstaff, Anna. British American Tobacco to close Guildford Depository. British American Tobacco, 2015. July 31, 2015. Available from:

http://www.bat.com/group/sites/UK 9D9KCY.nsf/vwPagesWebLive/DO9YXBZF?opendocument

No authors listed. Plaintiff's memorandum of law in opposition to Philip Morris' motion in limine to excludeDr. Hammond's testimony reagrding feasible alternative designs. Law 360, 2015. Available from: http://assets.law360news.com/0691000/691054/philipmorris0813.pdf

Ampel, Celia. \$10.5 million award for family of woman who smoked 21 different brands. Daily Business Review, 2015. July 22, 2015. Available from:

http://www.dailybusinessreview.com/id=1202732806151/105-Million-Award-for--Family-of-Woman-Who-Smoked-21-Different-Brands?slreturn=20150720224304

Green, Aimee. \$25 million isn't too much to punish Philip Morris for Oregon smoker's death, court rules. The Oregonian, 2015. July 15, 2015. Available from:

http://www.oregonlive.com/portland/index.ssf/2015/07/25 million isnt too much to pu.html

Lampert, Allison. UPDATE 1-Canada court waives C\$1.13 bln deposit in Quebec smoking case. Reuters, 2015. July 23, 2015. Available from:

http://af.reuters.com/article/commoditiesNews/idAFL1N1033UO20150723

No authors listed. Big tobacco says it can't afford to pay Quebecers billions. CTV News, 2015. July 9, 2015. Available from: http://montreal.ctvnews.ca/big-tobacco-says-it-can-t-afford-to-pay-quebecers-billions-1.2461779

Bucktin, Christopher. Smokers awarded almost £8BILLION in landmark Canadian case against tobacco companies. The Mirror, 2015. June 1, 2015. Available from:

http://www.mirror.co.uk/news/world-news/smokers-awarded-8billion-landmark-canadian-5805437

Fine, Sean. What you need to know about the \$15-billion Quebec tobacco ruling. The Globe and Mail, 2015. June 2, 2015. Available from: http://www.theglobeandmail.com/news/national/what-you-need-to-know-about-the-15-billion-quebec-tobacco-ruling/article24764172/

Lutz, Ashley. Tobacco CEO brags that business is looking like the 'old days' -- and the industry is delighted. Business Insider, 2015. June 3, 2015. Available from:

http://www.businessinsider.com.au/reynolds-ceo-tobacco-industry-outlook-2015-6

No authors listed. Tobacco firms to pay billions in damages in Canada. BBC News, 2015. June 2, 2015. Available from: http://www.bbc.com/news/world-us-canada-32969338

No authors listed. Philip Morris International Inc.'s Canadian subsidiary, Rothmans, Benson & Hedges Inc., to appeal decision in Québec Class Action Tobacco suits. Philip Morris International, 2015. June 1, 2015. Available from: http://investors.pmi.com/phoenix.zhtml?c=146476&p=irol-newsArticle&ID=2055288

Steele, SL et al. The role of public law-based litigation in tobacco companies' strategies in high-income, FCTC ratifying countries, 2004-14. Journal of Public Health, 2015. June 4, 2015. Available from: http://jpubhealth.oxfordjournals.org/content/early/2015/06/01/pubmed.fdv068.full.pdf+html

Nelson, Shellie. Illinois Supreme Court revisits lawsuit against tobacco company. WQAD 8, 2015. May 18, 2015. Available from: http://wqad.com/2015/05/18/illinois-supreme-court-revisits-lawsuit-against-tobacco-company/

No authors listed. Court upholds \$5M award to sick smoker. Health News Florida, 2015. May 7, 2015. Available from: http://health.wusf.usf.edu/post/court-upholds-5m-award-sick-smoker

Sparks, Caroline. Setback for Philip Morris in two tobacco cases. Courthouse News Service, 2015. Apr 7, 2015. Available from: http://www.courthousenews.com/2015/04/07/setback-for-philip-morris-in-two-tobacco-cases.htm

Sexton, Christine Jordan. House panel snuffs bill to limit lawsuits against tobacco companies. Saint Peters Blog, 2015. Mar 24, 2015. Available from: http://www.saintpetersblog.com/archives/185775

Gottlieb, Mark. PHAI takes cigarette companies to court. The Public Health Advocacy Institute, 2015. Mar 26, 2015. Available from: http://www.phaionline.org/2015/03/26/boston-non-profit-takes-cigarette-companies-to-court/

Cavendish, Steve. In a Florida courtroom, Nashville attorneys are fighting in the last great tobacco war. Nashville Scene, 2015. Feb 5, 2015. Available from:

 $\frac{http://www.nashvillescene.com/nashville/in-a-florida-courtroom-nashville-attorneys-are-fighting-in-the-last-great-tobacco-war/Content?oid=4913058$

Mickle, Tripp. Tobacco companies agree to settle lawsuits in Florida federal courts. The Wall Street Journal, 2015. Feb 25, 2015. Available from: http://www.wsj.com/articles/tobacco-companies-agree-to-settle-lawsuits-1424876422

Nelson, Shellie. Illinois Supreme Court revisits lawsuit against tobacco company. WQAD 8, 2015. May 18, 2015. Available from: http://wqad.com/2015/05/18/illinois-supreme-court-revisits-lawsuit-against-tobacco-company/

No authors listed. Court upholds \$5M award to sick smoker. Health News Florida, 2015. May 7, 2015. Available from: http://health.wusf.usf.edu/post/court-upholds-5m-award-sick-smoker

No authors listed. Jury finds Philip Morris liable in Engle-Progeny cigarette case. Moultrie News, 2015. Jan 22, 2015. Available from:

http://www.ourgazette.com/article/20150122/MN01/150129832/1014/OG/jury-finds-philip-morris-liable-in-engle-progeny-cigarette-case&source=RSS

Sexton, Christine Jordan. House panel snuffs bill to limit lawsuits against tobacco companies. Saint Peters Blog, 2015. Mar 24, 2015. Available from: http://www.saintpetersblog.com/archives/185775

Sparks, Caroline. Setback for Philip Morris in two tobacco cases. Courthouse News Service, 2015. Apr 7, 2015. Available from: http://www.courthousenews.com/2015/04/07/setback-for-philip-morris-in-two-tobacco-cases.htm

Gottlieb, Mark. PHAI takes cigarette companies to court. The Public Health Advocacy Institute, 2015. Mar 26, 2015. Available from: http://www.phaionline.org/2015/03/26/boston-non-profit-takes-cigarette-companies-to-court/

Banerjee, Sidhartha. Final arguments under way in Quebec class-action tobacco suit. The Globe and Mail, 2014. Sep 22, 2014. Available from: http://www.theglobeandmail.com/report-on-business/industry-news/the-law-page/final-arguments-under-way-in-class-action-tobacco-suit/article20729525/

Byrd, Kenneth. Lieff Cabraser announces that jurors hold Philip Morris USA accountable for engaging in 50-year conspiracy. Business Wire, 2014. Sep 19, 2014. Available from: http://www.businesswire.com/news/home/20140919005743/en/Lieff-Cabraser-Announces-Jurors-Hold-Philip-Morris#.VFCpSRYYghW

Craver, Richard. Judge upholds damages against Philip Morris. Winston-Salem Journal, 2014. Sep 19, 2014. Available from: http://www.journalnow.com/business/business_news/local/judge-upholds-damages-against-philip-morris/article_fa3fdb9e-404d-11e4-95f8-001a4bcf6878.html

No authors listed. Supreme Court sides with tobacco companies. The Local Denmark, 2014. Nov 20, 2014. Available from: http://www.thelocal.dk/20141120/danish-supreme-court-sides-with-tobacco-companies

No authors listed. Jurors hold Philip Morris and R.J. Reynolds accountable for engaging in 50-year conspiracy. Business Wire, 2014. Oct 22, 2014. Available from:

http://www.businesswire.com/news/home/20141022006662/en/Jurors-Hold-Philip-Morris-R.J.-Reynolds-Accountable#.VG c78m0Q6x

16.1.2 Choosing a plaintiff

Supreme Court of Canada. Judgement to be rendered in appeal. Judgments of the Supreme Court of Canada, 2018. July 9, 2018. Available from: https://scc-csc.lexum.com/scc-csc/news/en/item/6100/index.do

16.1.8 Damages

British Columbia v. Philip Morris International, Inc. Supreme Court of Canada SCC 36, July 2018. Available from: https://scc-csc.lexum.com/scc-csc/en/item/17185/index.do

Meckbach, Greg. Tobacco liability threat faces major convenience store chain and gas stations. Canadian Underwriter, 2018. July 12, 2018. Available from:

https://www.canadianunderwriter.ca/legal/tobacco-liability-threat-faces-major-convenience-store-chain-gas-stations-1004134456/

Supreme Court of Canada. British Columbia v. Philip Morris International, Inc.. Case in Brief, Jul 13, 2018. Available from: https://www.scc-csc.ca/case-dossier/cb/37524-eng.aspx

16.1.10 Key differences between Australian and US litigation

No authors listed. Judge Dismisses Wrongful Death Suit Against Tobacco Companies. Lexis Legal News, 2017. May 31, 2017. Available from: https://www.lexislegalnews.com/articles/17784/judge-dismisses-wrongful-death-suit-against-tobacco-companies