

# Tobacco in Australia

## Facts & Issues

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### Relevant news and research

#### 16.3 Litigation relating to injury from exposure to second-hand smoke

*Last updated March 2021*

#### Research:

Francey, N. (2021). 30th anniversary of Australian legal ruling on second-hand smoke. *Lancet*, 397(10273), 466-467. Retrieved from <https://www.ncbi.nlm.nih.gov/pubmed/33549183>

Dyer O. Tobacco companies protest about federal court ruling on corrective statements. *BMJ*, 2014; 349:g6067. Available from: <http://www.ncbi.nlm.nih.gov/pubmed/25288388>

Jayawardhana J, Bradford WD, Jones W, Nietert PJ, and Silvestri G. Master Settlement Agreement (MSA) Spending and Tobacco Control Efforts. *PLoS One*, 2014; 9(12):e114706. Available from: <http://www.ncbi.nlm.nih.gov/pubmed/25506827>

Russell A, Wainwright M, and Mamudu H. A Chilling Example? Uruguay, Philip Morris International, and WHO's Framework Convention on Tobacco Control. *Med Anthropol Q*, 2014. Available from: <http://www.ncbi.nlm.nih.gov/pubmed/25331730>

#### News reports:

Bennett, Gabriella. Killer loses appeal over cancer risk from passive smoking in jail. *The Times*, 2015. Dec 17, 2015. Available from: <http://www.thetimes.co.uk/tto/news/uk/scotland/article4643292.ece>

France-Presse, Agence. Ex-prisoner sues France for putting him in cell with smokers, and wins. *The Guardian*, 2015. Oct 9, 2015. Available from: <http://www.theguardian.com/world/2015/oct/09/ex-prisoner-sues-france-for-putting-him-in-cell-with-smokers-and-wins>

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No authors listed. Hitman serving life for murder takes ministers to court over cancer fears. Evening Times, 2015. Oct 23, 2015. Available from:

[http://www.eveningtimes.co.uk/news/13893231.Hitman\\_serving\\_life\\_for\\_murder\\_takes\\_ministers\\_to\\_court\\_over\\_cancer\\_fears/](http://www.eveningtimes.co.uk/news/13893231.Hitman_serving_life_for_murder_takes_ministers_to_court_over_cancer_fears/)

Guy, Rachel. Ex-con claims compo over cell smoker. The Sun, 2015. June 17, 2015. Available from:

<http://www.thescottishsun.co.uk/scotsol/homepage/news/6505526/Ex-con-claims-compo-over-cell-smoker.html>

Dreaper, Jane. New global fund to help countries defend tobacco control. BBC, 2015. Mar 18, 2015.

Available from: <http://www.bbc.com/news/health-31944575>

No authors listed,. Bloomberg philanthropies & The Bill & Melinda Gates Foundation launch Anti-tobacco Trade Litigation Fund. Campaign for Tobacco-Free Kids, 2015. Mar 18, 2015. Available from:

[http://www.tobaccofreekids.org/press\\_releases/post/2015\\_03\\_18\\_litigation\\_fund](http://www.tobaccofreekids.org/press_releases/post/2015_03_18_litigation_fund)

Davey, Melissa. Tobacco industry 'should be sued by government' over smokers' health costs. The Guardian, 2015. Feb 25, 2015. Available from:

<http://www.theguardian.com/society/2015/feb/25/tobacco-industry-should-be-sued-by-government-over-smokers-health-costs>

Davies, Wyre. Michael Bloomberg fights big tobacco in Uruguay. BBC News, 2015. Apr 7, 2015.

Available from: <http://www.bbc.com/news/world-latin-america-32199250>

Doyle, Michael. Cigarette companies get split decision in disclosure challenge. McClatchy

Washington Bureau, 2015. May 22, 2015. Available from:

<http://www.mcclatchydc.com/2015/05/22/267579/cigarette-companies-get-split.html>

Felberbaum, Michael. 15 years later, tobacco giants fight legal battle over misleading claims on smoking's effects. Fox Business, 2015. Feb 21, 2015. Available from:

[http://www.foxbusiness.com/markets/2015/02/21/15-years-later-tobacco-giants-fight-legal-battle-over-misleading-claims-on/?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed:+foxbusiness/latest+%28Internal+-+Latest+News+-+Text%29](http://www.foxbusiness.com/markets/2015/02/21/15-years-later-tobacco-giants-fight-legal-battle-over-misleading-claims-on/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed:+foxbusiness/latest+%28Internal+-+Latest+News+-+Text%29)

Mickle, Tripp. Appeals court issues mixed ruling on cigarette warnings. Nasdaq, 2015. May 22, 2015.

Available from: <http://www.nasdaq.com/article/appeals-court-issues-mixed-ruling-on-cigarette-warnings-20150522-00522>

Min-ho, Jung. Anti-smoking research center eyed. The Korea Times, 2015. Apr 8, 2015. Available

from: [http://www.koreatimes.co.kr/www/news/nation/2015/04/116\\_176767.html](http://www.koreatimes.co.kr/www/news/nation/2015/04/116_176767.html)

No authors listed. Update on provincial lawsuits from BAT's annual report. Eye on the Trials, 2015.

Apr 6, 2015. Available from: <http://tobaccotrial.blogspot.com.au/2015/04/update-on-provincial-lawsuits-from-bats.html>

No authors listed. Tobacco companies criticize federal judge. Daily Mail, 2015. Jan 7, 2015. Available

from: <http://www.dailymail.co.uk/wires/ap/article-2900948/Tobacco-companies-criticize-federal-judge.html>

No authors listed. Four tobacco makers accused by French anti-smoking of collusion. Yahoo! News/AFP, 2015. Jan 25, 2015. Available from: <https://uk.finance.yahoo.com/news/four-tobacco-makers-accused-french-232915078.html>

Pearson, Sophia, Stanford, Duane. Cigarette packages must admit addictive intent, not deception. Bloomberg News, 2015. May 23, 2015. Available from: <http://www.bloomberg.com/news/articles/2015-05-22/tobacco-manufacturers-partially-lose-appeal-over-warning-labels>

Yost, Pete. Tobacco giants battle new ads painting them as liars. Huffington Post, 2015. Feb 22, 2015. Available from: [http://www.huffingtonpost.com/2015/02/22/tobacco-corrective-ads\\_n\\_6730504.html](http://www.huffingtonpost.com/2015/02/22/tobacco-corrective-ads_n_6730504.html)

Galuszka, Peter . Virginia's tobacco commission needs a makeover. The Washington Post, 2014. Sep 19, 2014. Available from: [http://www.washingtonpost.com/opinions/virginias-tobacco-commission-needs-a-makeover/2014/09/19/35e3f6c0-3514-11e4-8f02-03c644b2d7d0\\_story.html](http://www.washingtonpost.com/opinions/virginias-tobacco-commission-needs-a-makeover/2014/09/19/35e3f6c0-3514-11e4-8f02-03c644b2d7d0_story.html)

No authors listed. Tobacco companies challenge cigarette-ad mandates. Winston-Salem Journal, 2014. Sep 29, 2014. Available from: [http://www.journalnow.com/business/business\\_news/national\\_international/tobacco-companies-challenge-cigarette-ad-mandates/article\\_67c7df2e-d5e5-5648-9cb6-53788222484e.html](http://www.journalnow.com/business/business_news/national_international/tobacco-companies-challenge-cigarette-ad-mandates/article_67c7df2e-d5e5-5648-9cb6-53788222484e.html)

No authors listed. Province proclaims act for tobacco litigation. Health and Wellness, Government of Nova Scotia, 2014. Sep, 2014. Available from: <http://novascotia.ca/news/release/?id=20140926003>

Marin, Stephanie. Multibillion-dollar lawsuit against Big Tobacco now in the hands of judge. Montreal Gazette, 2014. Dec 10, 2014. Available from: <http://www.montrealgazette.com/business/Multibilliondollar+lawsuit+against+Tobacco+hands+judge/10461070/story.html>

Matthew L Myers. Uruguay stands up to Big Tobacco's bullying and defends its landmark tobacco laws against legal challenge from Philip Morris International. Campaign for Tobacco-Free Kids, 2014. Oct 14, 2014. Available from: [http://www.tobaccofreekids.org/press\\_releases/post/2014\\_10\\_14\\_uruguay](http://www.tobaccofreekids.org/press_releases/post/2014_10_14_uruguay)

Moulton, D. All provinces can now sue big tobacco. Canadian Medical Association Journal, 2014. Oct 29, 2014. Available from; <http://www.cmaj.ca/content/early/2014/11/03/cmaj.109-4929.full.pdf+html>

Young, Sarah. British American Tobacco reaches \$575 million Flintkote settlement. Yahoo! Finance, 2014. Dec 19, 2014. Available from: <http://finance.yahoo.com/news/british-american-tobacco-reaches-575-072804026.html>

Neville, Simon. British American Tobacco drops and sues PwC over pollution scandal. The Independent, 2015. Mar 3, 2015. Available from: <http://www.independent.co.uk/news/business/news/british-american-tobacco-drops-and-sues-pwc-over-pollution-scandal-10081476.html>

Dye, Jessica. Phillip Morris among tobacco companies suing FDA over label approvals. Medical Daily, 2015. Apr 14, 2015. Available from: <http://www.medicaldaily.com/phillip-morris-among-tobacco-companies-suing-fda-over-label-approvals-329254>

Garcia-Navarro, Lourdes. Once Philip Morris workers, now they clamp down on Uruguay's smokers. NPR, 2015. May 8, 2015. Available from: <http://www.npr.org/sections/parallels/2015/05/08/404557478/once-philip-morris-workers-now-they-clamp-down-on-uruguays-smokers>

Maina, Carole. Kenya: BAT challenges new cigarette regulations on packaging from Ministry of Health. All Africa, 2015. Apr 16, 2015. Available from: <http://allafrica.com/stories/201504160232.html>

Armitage, Jim. Big Tobacco puts countries on trial as concerns over TTIP deals mount. The Independent, 2014. Oct 21, 2014. Available from <http://www.independent.co.uk/news/business/analysis-and-features/big-tobacco-puts-countries-on-trial-as-concerns-over-ttip-deals-mount-9807478.html>

Estes, Jim. How the Big Tobacco deal went bad. The New York Times, 2014. Oct 6, 2014. Available from: [http://www.nytimes.com/2014/10/07/opinion/how-the-big-tobacco-deal-went-bad.html?\\_r=0](http://www.nytimes.com/2014/10/07/opinion/how-the-big-tobacco-deal-went-bad.html?_r=0)

Felberbaum, Michael. Court-ordered anti-smoking ads challenged by firms. Medical Xpress, 2014. Sep 29, 2014. Available from: <http://medicalxpress.com/news/2014-09-court-ordered-anti-smoking-ads-firms.html>

No authors listed. WHO supports Uruguay in legal battle with Philip Morris. Fox News, 2014. Nov 6, 2014. Available from: <http://latino.foxnews.com/latino/health/2014/11/06/who-supports-uruguay-in-legal-battle-with-philip-morris/>

No authors listed. Uruguay, "a role model for the region and the world" in tobacco policies. Merco Press, 2014. Nov 5, 2014. Available from: <http://en.mercoPress.com/2014/11/05/uruguay-a-role-model-for-the-region-and-the-world-in-tobacco-policies>

Perreux, Les. Canada's big tobacco firms say Quebec lawsuit oversteps Parliament. The Globe and Mail, 2014. Sep 28, 2014. Available from: <http://www.theglobeandmail.com/life/health-and-fitness/health/canadas-big-tobacco-firms-say-quebec-lawsuit-oversteps-parliament/article20822040/>

Ross, Gilbert. Totally Wicked vs. the EU's tobacco directive. The Parliament, 2014. Oct 13, 2014. Available from : <https://www.theparliamentmagazine.eu/blog/totally-wicked-vs-eus-tobacco-directive>

Duffy, Sheila. Beware trade treaty hitting public health. The Scotsman, 2014. Dec 10, 2014. Available from: <http://www.scotsman.com/news/beware-trade-treaty-hitting-public-health-1-3631246>

No authors listed. Uruguayan lawsuit with international implications for Philip Morris. Trefis, 2014. Sep 19, 2104. Available from: <http://www.trefis.com/stock/pm/articles/256091/an-uruguayan-lawsuit-with-international-implications-for-philip-morris/2014-09-19>

No authors listed. Philip Morris sues Uruguay over graphic cigarette packaging. WFSU, 2014. Sep 15, 2014. Available from : <http://news.wfsu.org/post/philip-morris-sues-uruguay-over-graphic-cigarette-packaging>

Parke, Melissa. Why support the TPP when it will let foreign corporations take our democracies to court? The Guardian, 2014. Oct 29, 2014. Available from: <http://www.theguardian.com/commentisfree/2014/oct/29/why-support-the-tpp-when-it-will-let-foreign-corporations-take-our-democracies-to-court>

Ranald, Pat. Trans-Pacific partnership piles up challenges for democracy. The Conversation, 2014. Oct 21, 2014. Available from: <http://theconversation.com/trans-pacific-partnership-piles-up-challenges-for-democracy-32815>

Taylor, Rob. Indonesia challenges Australian cigarette packaging laws. The Wall Street Journal, 2014. Available from: <http://online.wsj.com/articles/indonesia-challenges-australian-cigarette-packaging-laws-1413363594?tesla=y&mg=reno64-wsj&url=http://online.wsj.com/article/SB10800882878353264346304580215593272461632.html>

Watson, K William. As expected, WTO clove cigarette case goes nowhere. Cato.org, 2014. Oct 8, 2014. Available from: <http://www.cato.org/blog/expected-wto-clove-cigarette-case-goes-nowhere>

Yulisman, Linda. RI, US agree to end clove cigarette dispute. The Jakarta Post, 2014. Oct 8, 2014. Available from: <http://www.thejakartapost.com/news/2014/10/08/ri-us-agree-end-clove-cigarette-dispute.html>

Briant, Thomas A. Illinois service station group sues Chicago to overturn flavor ban. CSPNet.com, 2014. Oct 8, 2014. Available from: <http://www.cspnet.com/category-news/tobacco/articles/illinois-service-station-group-sues-chicago-overturn-flavor-ban>

Kalra, Aditya. Exclusive: With Roman law doctrine, India moves to stub out tobacco industry rights. Reuters, Jan 2018. Available from: [https://www.reuters.com/article/us-fda-opioid/fda-asks-drugmakers-to-limit-amount-of-opioid-drug-in-packaging-idUSKBN1FJ2C4?utm\\_source=34553&utm\\_medium=partner](https://www.reuters.com/article/us-fda-opioid/fda-asks-drugmakers-to-limit-amount-of-opioid-drug-in-packaging-idUSKBN1FJ2C4?utm_source=34553&utm_medium=partner)