

B.C. court allows lawsuit against big tobacco to go on

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VANCOUVER -- A class-action lawsuit against Imperial Tobacco over its marketing of cigarettes branded "mild" or "light" was given the go-ahead to proceed in an Appeal Court judgment handed down Thursday.

The big tobacco company had wanted to have the class-action status of the case thrown out.

However, the three judges of the Appeal Court unanimously voted to narrow the scope of the lawsuit.

In the written ruling, Justice John Hall says only people who purchased light or mild cigarettes after May 8, 1997 can be included in the suit.

The lower court had defined the class as people who bought the light or mild cigarettes from July 5, 1974.

The main plaintiff in the case, Kenneth Knight, alleges the marketing of the cigarettes was deceptive because it suggested they are less harmful than regular brands.

But David Klein, Knight's lawyer, said the class-action could still cover hundreds of thousands of people who smoked the products.

Klein said Thursday he was very pleased with the decision.

"It means the case can move forward toward trial. The court agreed with our position on almost every point."

He said he expects the trial will begin in one or two years.

Imperial Tobacco can still apply for leave to appeal to the Supreme Court of Canada.

The company had no comment Thursday, saying more time was needed for lawyers to study the judgment.

Klein said his client is happy with the result.

"Ken is no longer a smoker. He's doing this because something that was deceptive ten years ago is still being done today. He hopes that by pursuing this lawsuit he can make a difference."

Klein said the decision could help pave the way for similar suits launched in Quebec, Newfoundland and several U.S. states.

The Canadian Cancer Society is not involved in the class-action suit in B.C. but has been following the case closely.

Rob Cunningham, senior policy analyst for the society, said the decision Thursday was a huge victory for public health.

"Over the decades, the tobacco industry, through marketing, created the mistaken impression in the minds of consumers that light or mild cigarettes were safer for human health than regular cigarettes.

"That is not the case. As a result of this, vast numbers of smokers have smoked so-called light cigarettes instead of quitting altogether."

He said that if the courts prevent tobacco companies from using what he calls deceptive marketing, more people will quit.