

## Tobacco marketed to blacks

### A lawsuit seeks more than \$1-billion in damages.

By Helen Huntley, Times Staff Writer  
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Tobacco companies targeted African-Americans with sophisticated marketing aimed at getting them hooked on cigarettes and eventually killing them, says a lawsuit filed Wednesday in Miami-Dade Circuit Court.

The marketing was "meticulously planned and executed with clear racist intent," says the suit filed by Miami lawyer J.B. Harris on behalf of African-American Gloria Tucker, of Coral Springs, representing the estates of her grandmother and mother.

Annie Mae Swain, 80, died in 1994, and Dorothy Oliver, 72, died in 2000 of acute cardiopulmonary failure and other cardiovascular problems. Both lived in Broward County.

The suit asks for more than \$1-billion in damages from tobacco companies Philip Morris USA, Lorillard Tobacco, R.J. Reynolds and Liggett Group.

The suit says the companies' targeted marketing included billboards in African-American neighborhoods, sponsorships of sporting events, endorsement deals with African-American celebrities and saturation ad campaigns in publications such as Ebony, Jet and Essence.

Cigarette brands were even created specifically for the African-American market, including the "X" cigarette from Philip Morris and the "Uptown" from R.J. Reynolds. Both brands were later withdrawn. The Uptown was sold in packs of 10 and had higher tar and nicotine levels.

Harris said that comedian Jay Leno once joked that R.J. Reynolds chose the "Uptown" name "because the word 'genocide' was already taken."

The suit says the companies sold cigarettes with "complete and utter disregard for health and human safety, and in a systematic and deliberate manner meant to addict and ultimately kill as many smokers as possible, especially African-Americans."

Wednesday's lawsuit is among what is expected to become a torrent of cases filed as offshoots of a 1994 tobacco lawsuit known as the Engle case. In rulings this past July and December, the Florida Supreme Court upheld lower-court findings that tobacco companies were guilty of fraud and negligence, and that smoking causes certain illnesses, including various types of cancer and cardiovascular diseases. However, the court said members of the class defined in the suit would have to file individual claims instead of being treated as a group.

The class covers smokers diagnosed no later than Nov. 21, 1996, with one of the medical conditions listed in the lawsuit.

Many Florida lawyers are gearing up to file cases, said Edward Sweda, senior attorney for the Tobacco Products Liability Project, part of the Public Health Advocacy Institute at Northeastern University in Boston. Sweda said 60 to 70 lawyers attended a seminar the project sponsored in Miami in February on "how to try and win tobacco cases." Harris was one of the speakers.

Philip Morris was the only tobacco company defendant to respond to the Times' request for comment. The company said it considered it premature to respond to any lawsuits filed as offshoots of the Engle case because it is seeking further review of the decision by the U.S. Supreme Court.

"However," the company stated, "if any individual cases do proceed, the company intends to vigorously defend them."

#### Fast Facts:

##### Targeted marketing

The lawsuit quotes from what it identified as tobacco company memos and research reports on marketing to African-Americans:

- "The brand's support must be seen as authentic and as being backed by other blacks - not as a big white company's tactic to sell to blacks." (from R.J. Reynolds' plan for marketing Salem cigarettes that included distributing free samples at night clubs, football games, concerts, traffic court and churches)
- "This brand will leverage the black consumers' desire to use products which are distinctive and are associated primarily with blacks, and are more 'potent' (e.g., blacks drink malt liquor rather than beer.) ... Blacks are less concerned with tar and nicotine levels." (from R.J. Reynolds' plan for marketing Uptown cigarettes)
- "Recommend that we introduce KOOL Ten's in black, low income and other value conscious neighborhoods and possibly college towns." (from Brown & Williamson's plan for marketing Kool cigarettes)

Helen Huntley can be reached at [hhuntley@sptimes.com](mailto:hhuntley@sptimes.com) or (727) 893-8230.