

## 04. Implementing FCTC Article 19: Prospects and perils of suing tobacco companies

Tuesday, 17 March 2015, 09:00 - 13:00

Room Conference Hall BA



<b>Type</b>	Workshop
<b>Track</b>	Globalisation of tobacco industry interference: FCTC Art. 5.3
<b>Topic</b>	Liabilities: Art. 19
<b>Organised by</b>	Public Health Advocacy Institute, Corporate Accountability International, Quebec Public Health Association
<b>Duration</b>	Half-day
<b>Max attendees</b>	100
<b>Meeting type</b>	Open meeting
<b>Description</b>	"To paraphrase General Patton, the way we won these cases was not by spending all of Reynolds' money, but by making that other son of a bitch spend all his." This tobacco industry strategy is being countered in some jurisdictions where governments, individuals, insurers and others challenge tobacco corporations. Progress and set-backs in tobacco litigation will be compared. We are learning through these experiences that harnessing the power of Article 19 will help implement other tobacco control measures. The results of the deliberations of the Article 19 expert group will be examined. Advantages and disadvantages of using tobacco litigation to achieve public goals will be discussed.
<b>Target audience</b>	Those interested in proposals to expand tobacco control strategies (i.e. "endgame"), those who are interested in the implementation of the FCTC, and of particular interest to those engaged in litigation efforts.
<b>Objectives</b>	<ol style="list-style-type: none"> <li>1. Review best practices, obstacles and solutions for implementing Article 19 of the FCTC on liability</li> <li>2. Review Article 19 implementation tools for governments, legal experts and advocates</li> <li>3. Provide key learnings for the future of tobacco litigation and comparison of lessons for tobacco litigation from several countries</li> <li>4. Show advantages of cost-recovery litigation for achieving public health goals and possible perverse effects of cost-recovery litigation and how to avoid them</li> <li>5. Show how litigation can be a tool to profoundly change the behaviour of tobacco companies</li> </ol>
<b>Expected outcome</b>	Recommendations to countries for implementation of FCTC Article 19; recommendations for how to successfully use tobacco litigation as a tool to achieve public health goals; and recommendations for how to defend the FCTC itself and FCTC-compliant tobacco control measures against litigious attacks from the tobacco industry
<b>Keywords</b>	Article 19; litigation; suing; liability
<b>Coordinator(s)</b>	Neil Collishaw (Canada), Richard Daynard (USA)
<b>Chair(s)</b>	Neil Collishaw (Canada)
<b>Presentations</b>	<ul style="list-style-type: none"> <li>» Introduction Neil Collishaw (Canada)</li> <li>» Updates on lawsuits against tobacco companies in Brazil Adriana Carvalho (Brazil)</li> <li>» Updates on lawsuits against tobacco companies in South Korea Sungkyu Lee (Korea, Republic of)</li> <li>» Winning strategy: Lessons from class action suits in Quebec on creating the right legal frameworks to win liability suits against tobacco companies André Lespérance (Canada)</li> <li>» How to achieve public health goals through lawsuits while avoiding perpetuating the tobacco epidemic and tobacco litigation around the world Cynthia Callard (Canada)</li> <li>» Updates on lawsuits against tobacco companies in the United States Richard Daynard (USA)</li> <li>» FCTC Article 19 Working Group and recent advances in lawsuits against tobacco companies Richard Daynard (USA)</li> <li>» Strategic litigation Richard Daynard (USA)</li> <li>» Recommendations for a way forward Yul Dorado (Colombia)</li> <li>» Summary Cloe Franko (USA)</li> <li>» General discussion</li> </ul>