

WORLD CONFERENCE ON TOBACCO CONTROL 2025

DUBLIN, IRELAND 23 - 25 JUNE 2025

The Union



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When we consider accountability, we have to start with the question of accountability of accountability for what?

Essentially, we have businesses that every year:

- Make over \$50 billion in profit
- Kills 8 million people
- Destroys 100s of millions of trees
- Emits nearly 1000 millions of of CO₂
- Costs the world nearly \$1.5 trillion in healthcare and labour productivity

At the core of this:

- Marketing which takes choices away from people and traps them in addiction
- Scientific and political interference which runs down the clock by preventing the political and regulatory action needed to protect health

You see on this slide the continuity between the 1950s and now

- Marketing and product reengineering have always been used to keep people in the nicotine market and regulators on the backfoot
- New nicotine and tobacco products are just the latest in this long line of cases

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<p>1998 US\$ 206 billion Master Settlement for U.S. tobacco industry</p>	<p>2006 RICO case (2006) non- monetary remedy in U.S.</p>	<p>2018 US\$ 300 million JUUL settlement</p>	<p>2019 Brazil litigation launched</p>	<p>2025 US\$ 22.67 billion Imperial, PMI, BAT Canada settlement</p>
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In the same way we see history repeating itself in the marketing practices of tobacco and nicotine businesses we are beginning to see it repeat itself in litigation and liability

For conventional tobacco products we saw

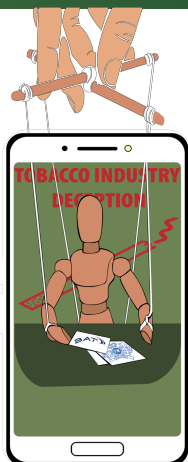
- In the United States a series of court cases came together in the 1998 Master Settlement Agreement for \$206 billion
- In Canada litigation resulted this year in a \$22 billion settlement
- Comparable cost recovery suits are pending in Brazil and the Republic of Korea

New products present a unique chance for accountability because nicotine and tobacco businesses are repeating the playbook used to protect and promote the cigarette:

- Businesses are actively marketing them as “safer”
- They're deliberately targeting younger people
- They're manipulating science and politics to stay on the market
- They're impacting negatively on the environment

With accountability now, we can get ahead of the curve instead of playing catch-up

We have already seen a first victory in judicial with a \$300 million settlement by JUUL on litigation based on misleading marketing and health claims—the business did not admit wrongdoing but this is an important precedent



PATHS FORWARD ON INDUSTRY LIABILITY FOR NEW AND EMERGING NICOTINE AND TOBACCO PRODUCTS



What does accountability for new tobacco and nicotine products look like

- Gets us on the front foot for offensive and protective liability
- Provides remedy to affected people and health systems
- Can be a substitute or supportive of regulation in some systems where remedies can include binding commitments on marketing and other practices
- Enables the disclosure of documents

We have two parallel paths to accountability

Judicial liability:

- **Challenge:** Only 20% of low- and middle-income countries have functioning corporate litigation systems
- **Reality:** Expensive, lengthy, evidence-intensive processes and industry will wage of attrition to delay and increase costs to win on resources rather than merits—successful cases are often led by governments
- **Value:** Even without immediate success, strategic litigation as part of a broader advocacy campaigns highlights issues and unlocks regulatory reforms

Administrative liability

- **Opportunity:** Specialized tribunals could address both conventional and new tobacco products--
- **Where available:** More feasible and faster than judicial routes—already used successfully in environmental claims
- **Challenge:** Needs to be legislatively established

Let's discuss more