

File - UK
TMA

TOBACCO

Manufacturers' Association

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FACSIMILE

4 February, 1999

To: Emerging Issues Group (EIG No.357)
(Additives Working Party)

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BAT Co Ltd
Rothmans International Services Ltd
Rothmans International Services Ltd
Imperial Tobacco Ltd
Gallaher Ltd
Philip Morris Europe SA
Philip Morris USA
R J Reynolds Tobacco Co
Japan Tobacco Inc
Japan Tobacco Inc - Tokyo

cc: I Birks Esq/R E Jeffery Esq
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M Steinle Esq
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P Dacarn Esq
J Russell Esq
Mrs G Silverman

Gallaher Group Plc
Imperial Tobacco Ltd
Rothmans (UK) Ltd
Philip Morris Ltd
British American Tobacco
R J Reynolds Tobacco UK Ltd
Japan Tobacco International
Lovell White Durrant
Bell Pottinger Public Affairs
TMA

From: D Swan

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Additives

Further to my facsimile dated 2 February please find attached a letter to David Walden at the Department of Health (TZ 21).

Teresa
PP DS

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David Swan
Chief Executive

4 February 1999

Our Ref: JRC/tm/0595

David Walden Esq
Department of Health
Wellington House
133-155 Waterloo Road
London SE1 8UG

Dear David,

I am writing to express my members' extreme concern about recent newspaper reports which appear to rely on remarks or information emanating from the Department of Health.

The first of these appeared in *The Guardian* on 7 December 1998. In the article, which was headed "Quit smoking aids may be put on prescription", "a Health Department source" was quoted as having said "These people are cunning, deliberate and premeditated child killers. The killing might take 20 or 30 years but it is killing." This reported remark was also included in articles in several other newspapers, including *The Scotsman*.

As you might expect, my members take great exception to this remark. It is grossly defamatory and highly damaging to their commercial reputations. They, of course, reserve their rights as to what action they might take to redress this. Whether or not the remark was officially authorised is irrelevant. We do not believe that such remarks are helpful, acceptable, or compatible with a constructive relationship between the industry and the Department.

A more recent example followed a meeting on the operation of the Voluntary Agreement on Additives on 9 December 1998 which was referred to in various press reports and most notably in the *Sunday Times* of 23 January 1999.

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It is quite clear that the article was based on information provided to the press by either the Department or a third party close to it. The misleading impression is given that the industry was being less than helpful on the question of additives and flavourings. There was no mention of the Voluntary Agreement or the Approved List. Instead the impression was conveyed that the industry is keeping information from the Department and that this is leading the Department to launch "an investigation".

In reality, Dr Dawn Milner's letter of 17 December 1998 merely confirms the issues raised following my invitation to the Department's team to avail themselves of the opportunity which our newly-instituted six-monthly meetings afford. I commented that no request for further technical information had been made by the Department since the finalisation of the new Voluntary Agreement.

In all, we find the press reports on the above to be deeply worrying. Given that there is a Voluntary Agreement between the Department and the industry, in which there is adequate provision for the exchange of information and views, we would expect the Department to support these arrangements and prevent them from being undermined. I hope that you can give me an assurance to that effect.

The above is an example of our constantly finding that co-operation with the Department has become something of a one-way street. My members will, of course, continue to co-operate with the Government and Government Departments, including your own whenever this is required. However, it is reasonable to expect co-operation and fair treatment in return. My members are concerned that this has not been present for several months.

I would therefore seek your assurance that we might return to the kind of constructive and co-operative dialogue which has provided mutual benefit over the years.

Yours sincerely

David

David Swan
Chief Executive

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