

September 28, 2007

The Honourable Tony Clement, P.C., M.P.
Minister of Health
Health Canada
Postal Locator 0916A
16th Floor, Brooke Claxton Building
Tunney's Pasture
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Dear Minister:

Re: Health Canada participation in American Tobacco Industry Conference

We are writing to express our serious concerns about Health Canada's considerable participation this week in the 61st Tobacco Science Research Conference in Charlotte, North Carolina. We believe Canada's involvement in the programme was irresponsible. There are abundant reasons why this participation was ill-considered and not in the best interests of public health. Any positive benefits from Health Canada's contribution could have been achieved in other ways.

To fully appreciate the concerns of many in the health community, consider the context.

- In the United States Justice Department's historic lawsuit against the tobacco industry, federal Judge Gladys Kessler ruled that U.S. companies had violated the *Racketeer Influenced and Corrupt Organizations Act (RICO)*. The companies were branded as racketeers. Much of the behaviour that led to this finding was also practiced by Canadian sister corporations or subsidiaries of American parents.
- The 1742 page Kessler decision makes it clear that the industry's use of tobacco research conferences was part of and/or facilitated the fraud that led to the finding of racketeering and fraud.
- Several Canadian provinces, including British Columbia, Saskatchewan, Manitoba, New Brunswick, Nova Scotia and Newfoundland have sued, have passed legislation to facilitate suing or have announced that they will sue Canadian tobacco companies and their international parents for fraud, negligence and other offences. Undoubtedly, tobacco industry research conferences will be shown to have contributed to or facilitated the perpetuation of the fraud that the provinces allege.

- The primary purpose of tobacco research conferences has been shown to have had virtually nothing to do with public health. These conferences have had everything to do with maintaining or increasing sales of tobacco products, maintaining or increasing shareholder value or seeking ways to prevent or derail litigation. And litigation is now an objective of several provinces.
- The fraud that lies at the root of the litigation underway by provincial attorneys general has caused or contributed to the deaths of one million Canadians. Your department has estimated in the past that unless major prevention interventions by your government occurs, the tobacco industry will kill close to 3 million Canadians presently alive.
- Health interests in Canada have recommended that one major health strategy intervention needed to address the tobacco epidemic involves educating Canadians about the industrial source that lies behind the tobacco epidemic, showing Canadians why the tobacco industry lies outside of the norms of legitimate, ethical business. Only then, many health experts believe, will the public support the major reforms needed to address a corporate-promoted epidemic responsible for 37,000 deaths annually.

Minister, in light of this background, we the undersigned raise the following questions about the participation of your departmental officials in the Charlotte, North Carolina tobacco industry research conference:

1. In light of the developing litigation in Canada against tobacco industry fraud and the track record of the industry of using similar conferences to promote activity that leads to increased illness and death, why did Health Canada bureaucrats contribute extensively to this conference?
2. In recent weeks, the University of Toronto decided not to invest in tobacco industry securities, to avoid helping the industry to maintain or increase sales or to maintain or increase shareholder value. Earlier, the Canadian Medical Association called for the Canada Pension Plan Investment Board to cease investing in the industry for the same reason.

The *Tobacco Act* prevents tobacco companies from sponsoring arts and sports to signal to Canadians that there is a new relationship between Canadians and this rogue industry. In light of this changing consensus, what is it about the department's corporate culture that would cause Health Canada officials to even think about presenting at the tobacco conference?

3. On October 1st, Canada's national tobacco conference opens in Edmonton. The 5th National Conference on Tobacco Or Health is our country's national effort to meet and discuss ways to reduce the devastating toll caused by tobacco companies. Given the magnitude of the epidemic, every senior Health Canada official who touches the tobacco file should be in Edmonton. Long before the conference was due to open, several Health Canada officials were scheduled to present. Then, several of these speakers withdrew. The reason for the cancellations? The department could not afford travel costs.

Minister, how can Health Canada find money to send its officials to a tobacco conference in Charlotte, North Carolina when it cannot fulfill its commitments in Edmonton, Alberta?

4. Litigation, public health and a track record of criminal or civil misconduct has led to the tobacco industry being denied the easy, comfortable access to legislators and bureaucrats that it experienced for decades. Tobacco industry documents show that a major industry strategy has been ongoing to get the cigarette makers "back inside" the corridors of governments all over the world. Getting "back inside" is a key to maintaining markets and sales.

Given this industry strategy, why would Health Canada officials be allowed to attend and present at an industry conference that would allow cigarette company researchers and strategists to enjoy the friendly familiarity and the relationship-building that are the hallmarks of such conferences.

5. If Health Canada had anything significant to say about its research to the cigarette companies, why would Health Canada bureaucrats not communicate with the industry and the public simultaneously through publication in peer-reviewed journals, through the publication of monographs, by giving presentations to appropriate learned societies, or by holding public forums where Health Canada could direct the meeting agendas to serve public health?

Minister, we strongly oppose Health Canada's participation in the American tobacco conference. We would appreciate receiving a comprehensive reply to the concerns we have raised.

Sincerely,

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