

PRESS RELEASE

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Public health experts act to bypass fortress-like Guildford Depository and expose tobacco giant's secrets to proper public scrutiny

PRESS CONFERENCE – THURSDAY 27 MAY, 12-2.00 PM, LSHTM, OFFICIAL LAUNCH OF CONFIDENTIAL PROJECT TO EXPOSE SECRETS OF TOBACCO INDUSTRY

A highly confidential project which will improve public access to millions of pages of sensitive and potentially incriminating documents relating to British American Tobacco (BAT) is officially launched today at a press conference at the London School of Hygiene & Tropical Medicine (LSHTM).

And the story of how it came about is a classic David and Goliath-type tale in which a small but determined team of researchers, with limited funds faced a transnational tobacco giant with vast resources.

The Guildford Archiving Project (GAP), which was initiated by a small team at LSHTM, has been operating confidentially since 2000 and is being driven by a consortium of researchers from the LSHTM, the University of California, San Francisco (UCSF) and the Mayo Clinic. The project will, for the first time, provide meaningful public access to an estimated 8 million pages of documents that are recognised around the world as an invaluable resource for understanding both how the tobacco industry has operated over the past four decades as well as its future strategies, especially in the developing world. It will achieve this by eventually hosting the entire collection of documents housed at Guildford on an independent website run by UCSF's Kalmanovitz Library to be launched later this year.

The terms of a legal settlement in Minnesota, US stipulated that the public should be allowed, for ten years, access to documents produced during litigation against the tobacco industry, via the creation of two depositories.¹ The largest of these is in Minnesota, where public access to the contents of leading US tobacco companies is ensured by an independent paralegal firm. The second is in Guildford, UK and, in contrast to the Minnesota archive, is managed by BAT itself. From the outset, the

efforts of researchers to investigate the contents of the estimated 8 million pages of documents housed there have been severely hampered.

New evidence of the scale and seriousness of obstruction is provided in today's *Lancet*. Research by the Mayo Clinic² reveals practices by BAT that are tantamount to concealing what is supposed to be public information. Their analysis of newly-produced documents from ongoing litigation describes, for example:

- The tracking of database searches and analysis of the work of visitors to the depository by the company's legal counsel, Lovells
- The rating of company files for their 'sensitivity' and the identification of 'Hot Docs' requested by visitors
- The altering of documents - references in one document discussing the company's marketing to 'illiterate low-income sixteen year olds' were changed to the less controversial age of 18
- Extraordinary scanning resources which BAT could have employed to make the Guildford documents available to the public it had if chosen to do so

In addition to this, visitors to the Guildford Depository have to contend with almost fortress-like conditions, including:

- Restricted opening hours (six hours a day in contrast to ten in Minnesota)
- Limitations on the number of visitors at any one time
- Surveillance by video cameras
- Crude indexing of documents – this is done at file level only, with files typically consisting of hundreds of pages so users have to search each file manually
- Refusal to provide photocopies at the depository (with requests for photocopies often taking a year or more to process)
- Refusals by BAT to supply requested documents in an electronic format
- Refusals by BAT to supply some documents based on unchallengeable claims of 'privilege' asserted by its lawyers

Most serious of all, the depository now appears to contain some 181 fewer files (over 36,000 pages at BAT's estimate) than it did in January 2000, and the inability of the consortium to access documents unilaterally classified as 'privileged' by BAT and thus withheld from public scrutiny.

Also writing in today's *Lancet*, researchers from LSHTM state that BAT has been operating the Guildford Depository as a 'hostile archive, providing minimum compliance with the letter of the Minnesota agreement while disregarding its intent.'³

Yet despite the difficulties, researchers from LSHTM and its collaborating institutions have, for several years now, been slowly and surely visiting the Guildford Depository and ordering all available documents. They have now ordered the entire collection and are working with the other consortium members to scan and index it in preparation for the launch of the unrestricted public website later this year.

'Next Monday is World No Tobacco Day, yet the dubious and potentially incriminating aspects of tobacco industry misconduct disclosed by some of the documents drawn from this collection show that the enormous public health burden tobacco presents is still very much with us', comments Dr Kelley Lee who, along with colleagues Anna Gilmore and Jeff Collin at the London School of Hygiene & Tropical Medicine has led the effort to liberate these documents. 'The depository is set to close in 2009, so it is

clear that BAT has been dragging its feet in the hope that time would run out and it would be able to close the doors forever on this valuable archive'.

'BAT has provided access to this depository in the way we might expect Al Capone to provide access to the Criminal Records Bureau: grudgingly and making it as hard as possible to actually access and use the material there. The chances of free and fair access to the entire collection are minimal,' adds Professor Stanton A. Glantz of UCSF who has worked with LSHTM and the Mayo Clinic on the project. 'Once our work is finished anyone in the world will have instant access to these documents without worrying about having BAT spying on them.'

The multi-million pound project is being funded by the Wellcome Trust, the Flight Attendant Medical Research Institute, Cancer Research UK, Health Canada and the American Heart Association.

Dr. Tony Woods, Head of Medical Humanities at the Wellcome Trust, says: 'The success of this hugely complicated project means that the inner secrets of the BAT company files will now be freely available to health researchers around the world. It is a potential treasure trove which could have been lost forever was it not for the sterling work of this dedicated research team.'

In recognition of its importance to global public health, this project has the active backing of leading public health institutions worldwide.⁴ Dr Derek Yach at the World Health Organization says: 'The Guildford Depository is a unique and especially valuable collection of internal tobacco industry documents. They are of international importance and their contents will be especially useful for strengthening tobacco control in the developing world.'

The Press Conference is taking place between 12.00 and 2.00 pm today at the London School of Hygiene & Tropical Medicine (Room 4), Keppel Street, London WC1E 7XH. Kelley Lee, Jeff Collin and Anna Gilmore will be speaking about the project, and taking questions afterwards. Richard Horton, Editor of the Lancet and Professor Gill Walt, Head of the Department of Public Health and Policy at LSHTM, will also be speaking.

For further information on the Guildford Archiving Project see:

www.lshtm.ac.uk/cqch/tobacco/guildford.htm

For further information, or to interview representatives of the international consortium, please contact the following:

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Notes to Editors:

¹In 1998 the Minnesota Consent Judgement ruled that an estimated total of 50 million internal tobacco industry documents should be made public. Under the same agreement, BAT was required to provide public access to its internal documents (estimated to comprise 8 million of this total).

²Muggli ME, LeGresley E, Hurt RD. Big Tobacco is Watching: British American Tobacco's Surveillance and Information Concealment at the Guildford Depository. *Lancet* 2004; 29 May.

³Collin J, Lee K, Gilmore AB. Unlocking the corporate documents of British American Tobacco: an invaluable global resource needs radically improved access. *Lancet* 2004; 29 May.

⁴In recognition of the importance of this project to public health and the future of tobacco control, GAP has the active support of the following organisations:

- American Legacy Foundation
- British Medical Association
- International Union Against Tuberculosis and Lung Disease
- The Nuffield Trust
- Robert Wood Johnson Foundation
- Royal College of General Practitioners
- Royal College of Midwives
- Royal College of Physicians
- UK Department of Health
- UK Faculty of Public Health Medicine
- World Health Organisation

Additionally, consortium members have received research grants from the US National Cancer Institute and Rockefeller Foundation to analyse documents from the Guildford Depository.

Ends.