



Tobacco litigation in South Korea: The possibility of KT&G's nicotine manipulation

Sungkyu Lee, M.P.H., Ph.D.

Jaehyung Kim, M.A.

Il Soon Kim, M.D., Ph.D.

KT&G

Office of Monopoly (1948-1988)

- A part of the Ministry of Finance

Korea Tobacco & Ginseng Corporation (1988-2002)

- A state-owned company



KT&G (2002-present)



Tobacco litigation

- ◆ September, 1999 (Individual case) – A man who smoked a KT&G brand for long time and died due to lung cancer sued KT&G
- ◆ **December, 1999 (class case) – Six men who smoked a KT&G brand for more than 20 years and died due to lung cancer sued KT&G and the Korean government who run the Office of Monopoly**
- ◆ May, 2005 (individual case) – A police officer who smoked a KT&G brand and died due to lung cancer sued KT&G
- ◆ January, 2009 (individual case) – Gyeonggi Province sued KT&G regarding fire safety in the cigarette butt

The Class Case - Judgments

◆ First round – Seoul Central District Court, 2007)

1) There is **not enough evidence** to support that **lung cancers** of plaintiffs were directly **caused by smoking**.

2) There is **not enough evidence** to prove **KT&G's fault** while manufacturing their products.

The Class Case - Judgments

◆ Second round – Seoul High Court, 2011

1) The court **ACCEPTED** that **lung cancers** of plaintiffs were **directly caused by smoking**.

However,

2) Regarding **‘product liability’**, the court **retained the same judgment** as the first round.

On Product Liability...

- ◆ KT&G has kept saying that **there is no additives to manipulate nicotine delivery in their products.**
- ◆ They **just** add **flavours** such as cocoa, sugar and vanilla to enhance the taste of their products.

Research purpose

- ◆ To provide valuable evidence and information to the Korean courts on KT&G's product liability

Methods

- ◆ Analyzed the formerly confidential documents of transnational tobacco companies (TTCs) that had penetrated South Korea since 1988 from **Legacy Tobacco Document Library**

Results:

Examining KT&G brands

- ◆ After liberalisation in Korea's tobacco market, TTCs initially went through difficulty in creating demand for their brands.
- ◆ The industry examined KT&G brands to develop similar products and tastes which the Korean smokers liked.
- ◆ In turn, the industry brought KT&G brands to their labs to study about them.

Results & Discussion: B&W's study on KT&G brands



Table 2
KT&GC 1999 Blend Chemistry Data

Brand	Alkaloids (%)	Nitrates (%)	Phosphates (%)	Chlorides (%)	Ammonia (%)
Eighty Eight Lights KS	2.9	1.0	0.60	1.07	0.05
Esse Super Slims	2.6	0.8	0.54	0.93	0.03
Simple Slims 100 Box	2.6	1.0	0.59	1.09	0.04
Sinabro 100 Box	2.6	1.1	0.62	1.16	0.11
Sinabro KS	2.5	1.1	0.62	1.18	0.09
Sinabro KS Box	2.4	1.1	0.63	0.97	Below Det.
This KS	2.6	1.0	0.58	0.95	0.04
This Plus KS	2.7	1.0	0.60	1.05	Below Det.

Source: Reasor BA. Korea Technical Review 1998-1999/312. April 2000.
British American Tobacco. 'Bates No.' 325189811-39

Conclusions

- ◆ B&W internal document (the ingredient analysis of KT&G brands) shows that KT&G brands included ammonia.
- ◆ The Korean courts must order the investigation on KT&G manufacturing process to confirm whether the company adds ammonia to their brands or not.