

STATEMENT BY JOHN K. VAN DE KAMP  
ATTORNEY GENERAL OF CALIFORNIA  
ANNOUNCING PROP. 65 SETTLEMENT  
LOS ANGELES, CALIFORNIA  
TUESDAY, OCTOBER 18, 1988

FINAL

TODAY, I AM PLEASED TO ANNOUNCE VICTORY IN THE STATE'S FIRST ENFORCEMENT ACTION OF PROPOSITION 65, THE SAFE DRINKING WATER AND TOXICS ENFORCEMENT ACT OVERWHELMINGLY PASSED BY THE VOTERS TWO YEARS AGO.

THIS VICTORY IS THE RESULT OF A SETTLEMENT IN OUR LAWSUIT UNDER PROP. 65 AGAINST THE NATION'S MAJOR TOBACCO MANUFACTURERS. THEY HAVE NOW HAVE AGREED TO INDIVIDUALLY LABEL ALL PACKAGES OF CIGARS, PIPE TOBACCO AND ROLL-YOUR-OWN-CIGARETTE TOBACCO SOLD IN CALIFORNIA.

IN PASSING PROP. 65, WE ESTABLISHED AS A MATTER OF LAW THAT EACH OF US IS ENTITLED TO A CLEAR AND REASONABLE WARNING WHEN WE ARE EXPOSED TO TOXIC, CANCER-CAUSING CHEMICALS IN THE PRODUCTS THAT WE BUY.

LAST MONTH, I SUED THE MANUFACTURERS AND RETAILERS OF CIGARS, PIPE TOBACCO AND ROLL-YOUR-OWN-CIGARETTE TOBACCO FOR FAILING TO WARN CALIFORNIA CONSUMERS OF THE DANGEROUS CHEMICALS CONTAINED IN THOSE PRODUCTS.

AS WE ALL KNOW, THE SURGEON GENERAL REQUIRES VERY STRICT WARNINGS ON ALL CIGARETTE PACKS BECAUSE THEY ARE KNOWN TO CAUSE CANCER. THE SAME CARCINOGENS ARE PRESENT IN THESE OTHER TOBACCO PRODUCTS. AND TOBACCO SMOKE ITSELF HAS BEEN PLACED ON THE GOVERNOR'S LIST OF CHEMICALS KNOWN TO CAUSE CANCER OR BIRTH DEFECTS.

YET NONE OF THE PRODUCTS CONTAINED ANY WARNING AT ALL OF THE DANGER, MUCH LESS A CLEAR AND REASONABLE WARNING LIKE THIS ONE -- THE KIND REQUIRED BY PROPOSITION 65. NOR DID THE RETAILERS SELLING THE PRODUCTS POST SHELF SIGNS OR OTHER CLEAR WARNINGS IN THEIR STORES UNTIL THIS LAWSUIT WAS THREATENED.

INSTEAD, TOBACCO MANUFACTURERS TOOK OUT SOME DISPLAY ADS. AND THEY RELIED ON AN "800" TELEPHONE NUMBER WHERE CONSUMERS INTERESTED IN KNOWING ABOUT TOXIC CHEMICALS IN THEIR PRODUCTS COULD CALL FOR SOME CURSORY INFORMATION. THAT PHONE SERVICE, COMBINED WITH A BLANKET SIGN COVERING ALL PRODUCTS IN A GIVEN STORE, WAS OFFERED AS COMPLIANCE WITH PROPOSITION 65.

I DID NOT VIEW THAT AS PROVIDING A CLEAR AND REASONABLE WARNING AND SUED TO REQUIRE FULL COMPLIANCE WITH THE LAW.

IN THE SETTLEMENT SUBMITTED FOR THE COURT'S APPROVAL TODAY, THE MANUFACTURERS AGREED TO CEASE RELYING ON THE TOLL-FREE TELEPHONE SERVICE TO SATISFY THE WARNING REQUIREMENT UNDER PROP. 65. INSTEAD, THEY HAVE AGREED TO LABEL EACH INDIVIDUAL PRODUCT WITH A CLEAR AND REASONABLE WARNING.

AND THEY AGREED TO PAY THE LEGAL AND COURT COSTS ASSOCIATED WITH THE SUIT, AMOUNTING TO \$150,000. HALF OF THAT AMOUNT WILL GO TO THE FOUR CITIZEN GROUPS WHICH INVESTIGATED THE CASE AND FILED NOTICE WITH MY OFFICE. THEY ARE THE SIERRA CLUB, ENVIRONMENTAL DEFENSE FUND, NATURAL RESOURCES DEFENSE COUNCIL AND CAMPAIGN CALIFORNIA.

THE MANUFACTURERS WILL HAVE A REASONABLE AMOUNT OF TIME, 150 DAYS, TO INDIVIDUALLY LABEL EACH PRODUCT. IN ORDER TO SATISFY THE LAW IN THE INTERIM, MANUFACTURERS ARE PROVIDING RETAILERS WITH SIGNS TO BE POSTED NEAR THE PRODUCT SHELVES.

CONSUMERS ACROSS THE COUNTRY MAY BENEFIT FROM THESE HEALTH WARNINGS AS MANY OF THE CIGAR COMPANIES MAY CHOOSE TO LABEL ALL OF THEIR PRODUCTS SOLD NATIONWIDE, EVEN THOUGH PROP. 65 REQUIRES ONLY THAT CALIFORNIA PRODUCTS CARRY THE WARNINGS.

SO AS LEGISLATURES IN OTHER STATES CONTEMPLATE ADOPTING A TOUGH LAW LIKE OUR PROP. 65, THEY WILL SEE THE BENEFITS OF HEALTH WARNINGS ON POTENTIALLY HARMFUL PRODUCTS.

TODAY'S SETTLEMENT APPLIES TO MANUFACTURERS ONLY. NEGOTIATIONS ARE STILL UNDERWAY WITH THE RETAILERS WHO WERE ALSO CHARGED IN OUR SUIT. WE ARE LOOKING TO THE RETAILERS TO PROMPTLY POST THE SIGNS UNTIL THE LABELS APPEAR ON THE PACKAGES.

FINALLY, I URGE THE MANUFACTURERS AND SELLERS OF OTHER PRODUCTS WHICH CONTAIN DANGEROUS CHEMICALS TO TAKE NOTICE OF TODAY'S SETTLEMENT AS AN INDUCEMENT TO ABIDE BY THE LAW WITHOUT HAVING TO BE DRAGGED INTO COURT. WE SETTLED THIS CASE WITHOUT FINANCIAL FINES BECAUSE THE DEFENDANTS EAGERLY AND QUICKLY AGREED TO OUR DEMANDS.

FUTURE DEFENDANTS MIGHT FACE A DIFFERENT SITUATION. THEY SHOULD KNOW THAT THE FIRST ENFORCEMENT ACTION IS BEHIND US NOW. THE LAW IS CLEAR. MY INTENTIONS ARE CLEAR. PROP. 65 WILL BE VIGOROUSLY ENFORCED. I ENCOURAGE ALL CONCERNED PARTIES TO COMPLY PROMPTLY OR FACE LEGAL ACTION WHICH COULD RESULT IN STIFF FINES.

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