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# ABC, tobacco firms settle libel suits

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Cigarette makers Philip Morris and R.J. Reynolds Monday dropped libel suits totaling more than \$10 billion against ABC after it aired an apology for a story on smoking.

In a report on its evening news program and an apology during *Monday Night Football*, ABC said a February 1994 *Day One* story was wrong to say tobacco firms "add significant amounts of nicotine from outside sources" to cigarettes.

But ABC stands by the charge cigarette makers manipulate nicotine levels to hook smokers, regardless of where the nicotine comes from.

Both companies deny "spiking" cigarettes with nicotine.

ABC will pay the firms' legal fees — tens of millions of dollars — under the settlement.

"It sounds like (ABC) capitulated," said Everette Dennis of the Freedom Forum, a media advocacy group. "It may have much to do with cleaning up litigation" before ABC's pending merger with Walt Disney Co.

Clifford Douglas, an anti-tobacco attorney interviewed on *Day One*, Monday said ABC "was afraid of going to trial before a pro-tobacco judge and a local Richmond, Va., jury."

Philip Morris' Charles Wall said "the 'spiking' charge is now behind us."

But the Food and Drug Administration said its own investigation shows manufacturers "actively control the amount and rate at which nicotine . . . is delivered to consumers."

That finding is central to the FDA's effort to regulate nicotine in tobacco as a drug.

While some at ABC were grumbling, the network said it's pleased with the settlement and has long-term contracts with the reporter and producer who worked on the story.

ABC will apologize again on *Day One* Thursday night.