

Judgment in favour of Skandinavisk Tobakskompagni A/S and House of Prince A/S in legal proceedings involving smoking

Attorney Mikael Rosenmejer and Attorney Torben Bondrop from Plesner Law Firm represented Skandinavisk Holding II A/S (formerly Skandinavisk Tobakskompagni A/S) and House of Prince A/S before the Eastern Division of the Danish High Court in a product liability suit of general public importance about the use of additives in the Prince cigarette. By its judgment of 8 December 2011 the Eastern Division of the Danish High Court found in favour of Plesner's clients.

The case

The case was special and differed from the usual legal actions involving smoking where the smoker claims not having been aware of the risks associated with smoking. In this case the plaintiff acknowledged that he knew that smoking was damaging to his health as well as being addictive.

In 2000 the tobacco manufacturers published a list of the additives used in the manufacture of cigarettes. The list gave the plaintiff the impression that the use of additives in the Prince cigarette made the Prince cigarette more harmful and addictive than cigarettes without any additives. He also believed that the use of vent holes in the filter etc meant that the specified amounts of nicotine and tar etc did not show the actual exposure to which the smoker was subject.

As a consequence, the plaintiff brought a suit against Plesner's clients in 2003, claiming damages for the part of his bodily injury which he believed could be attributed to the additives.

A comprehensive expert survey and appraisal was conducted as part of the proceedings and the expert survey and appraisal concluded on the basis of the scientific literature available that the additives used do not increase the smoker's nicotine intake and consequently the smoker's addiction - on the contrary. Moreover, the expert survey and appraisal did not support the plaintiff's opinion that the vent holes had the alleged effect.

Skandinavisk Holding II A/S and House of Prince A/S contested the plaintiff's claims throughout the proceedings.

The judgment in favour of the defendant

In its judgment of 8 December 2011 the Eastern Division of the Danish High Court found for Plesner's clients, Skandinavisk Holding II A/S and House of Prince, in respect of the Plaintiff's claim for damages that had been calculated to be approximately DKK 50,000. The High Court found that the effect of the additives used and the design was not that the smoker had been exposed to an increased nicotine intake or that the smoker had been misled about the tar and nicotine content in the Prince cigarette.

The case was substantial in respect of the number of exhibits, the expert opinions and the number of witnesses, which is why the case was heard over a period of 10 days in court in September and October 2011. As a result of the judgment, the High Court awarded Plesner's clients a total of DKK 2.5 million in legal costs.

The judgment can be read in its entirety here: [\[link til dom\]](#).

Significance of the case

The case has attracted both national and international media attention as it is the first decision in a case about the use of additives in cigarettes and the case is therefore relevant to similar suits against tobacco companies that might be brought in other countries.

If you have any questions to the case, please contact Attorney Mikael Rosenmejer (mro@plesner.com) or Attorney Torben Bondrop (tbo@plesner.com) at tel + 45 33 12 11 33.