

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
and	)	
	)	Civil Action
TOBACCO-FREE KIDS ACTION FUND, <i>et al.</i> ,	)	No. 99-CV-02496 (GK)
	)	
Plaintiff-Intervenors,	)	Next scheduled appearance:
	)	None Scheduled
v.	)	
	)	
PHILIP MORRIS USA INC.,	)	
f/k/a PHILIP MORRIS INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**DECLARATION OF JONATHAN SAMET, M.D.**

**JONATHAN SAMET**, hereby declares as follows:

1. I am a Professor and Chair of the Department of Epidemiology of the Johns Hopkins Bloomberg School of Public Health. My educational background, credentials and experience are set forth in my Written Direct Testimony filed in this Court on September 20, 2004 at pages 1-19 ("WD"). The Court referenced some of my credentials in its August 17, 2006 Final Opinion at pages 765 and 1232-34.

2. I testified during the trial of this matter, and was accepted by the Court as an expert in the field of epidemiology and the science of smoking and health, pulmonology and internal medicine. Trial Tr. at 1026.

3. I have reviewed this Court's August 17, 2006 Final Judgment and Remedial Order # 1015 ("Order 1015"), and particularly the provisions regarding "Corrective Statements" found

at pages 4-9, ¶¶ 5-7.

4. I believe that certain of my opinions expressed at trial are relevant to accurately crafting the corrective statements ordered pursuant to Order #1015.

5. I testified that smoking causes cancer (WD: 68-81; 91-107), and specifically that smoking causes cancers of the mouth and throat (WD: 93-94); lungs (WD: 81); esophagus (WD:95); stomach (WD: 104); pancreas (WD 96-97); kidneys (WD: 100-01); bladder (WD: 98); and cervix (WD: 105), and also causes acute myelogenous leukemia (WD: 102).

6. I testified that smoking causes cardiovascular diseases (WD: 107-125), and specifically that smoking causes atherosclerosis (WD: 125); coronary heart disease (WD: 118); strokes (WD: 122); and aortic aneurysm (WD:125).

7. I testified that smoking causes lung diseases, including pneumonia (WD:132-35) and chronic obstructive pulmonary disease (COPD) (WD:81-90).

8. I testified that smoking causes complications of pregnancy for women who smoke while pregnant (WD: 129-32), reduces birthweight of the infant (WD:132); and causes sudden infant death syndrome (SIDS) after birth (WD:132).

9. I testified that smoking causes low bone density in postmenopausal women (WD: 129); hip fractures (WD: 129); cataracts (WD: 127); and peptic ulcer disease (WD: 127).

10. I testified that secondhand smoke causes premature death and disease in adults and children who do not smoke (WD: 171-220).

11. More specifically, I testified that exposure of children to secondhand smoke causes SIDS (WD: 205-06); acute respiratory infections (WD: 208); ear problems (WD: 219-20); and more severe asthma (WD: 217-18).

12. I testified that exposure of children to secondhand smoke causes respiratory

symptoms and slows lung growth during childhood (WD: 211-13).

13. I testified that exposure of adults to secondhand smoke causes coronary heart disease (WD: 198-99) and lung cancer (WD:185-86).

14. It is also my opinion that only eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke (US Exhibit: SG Report).

15. I testified that there are no significant health benefits from smoking "low tar," "light," "ultra light," "mild," or "natural cigarettes." (WD: 145-70).

16. More specifically, I testified that scientific evidence shows no health benefit to smoking cigarettes labeled as "low tar," "light," "ultra light," "mild," and "natural." (WD: 151-70).

17. I testified that these labels do not describe the doses of carcinogens and other harmful substances inhaled by smokers of cigarettes with these labels compared to smokers of cigarettes without such labels. (WD: 148-50).

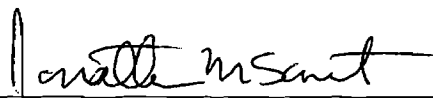
18. I testified that the machine-measured tar and nicotine yields on cigarette packages have no significance for risk to health. (WD: 148-49).

19. I thus concluded that smoking cigarettes with these labels as an alternative to quitting has little or no positive impact on the smoker's health. (US Exhibit: SG Report).

20. My opinions and conclusions that I testified to were based on my education, training, expertise in the science of smoking and health, and my review and understanding of the published scientific literature on smoking and health, including the relevant Reports of the Surgeon General, both which I have studied as well as those in which I have been involved as the Senior Scientific Editor.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this

10<sup>th</sup> day of October, 2006, in Baltimore, Maryland.

  
Jonathan Samet