

**From:** "James Middleton"  
**To:**

**Cc:** "Maggie PY CHIU"

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**Date:** Thursday, March 02, 2017 04:07PM

**Subject:** Contents of Dropbox directories attached with link for download for use of Legco members

History:     ➤ This message has been forwarded.

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Legco

Panel on Health Services

02 March 2017

Dear Hon Members,

Please find self -explanatory information regarding the comments made in the letters from British American Tobacco company lawyers, tabled for the last Panel on Health Services Meeting on 28<sup>th</sup> February 2017.

Letters' reference:

CB(2)584/16-17(24)

CB(2)674/16-17(01)

The tobacco industry has repeatedly attempted to use the same legal tactics regarding what they consider as 'loss of IP, loss of Trademarks etc' arguments worldwide and have consistently lost in different jurisdictions from the High Court of UK, The European Court of Justice, Singapore, Australia High Court and against the sovereign state of Uruguay.

For the assistance of Hon Members and your Panel legal advisor in coming to a decision on this matter, by way of prior evidence and High court judgments, I am providing a considerable amount of relevant data for your Panel Clerk/Secretary to download and present to said Hon members. Note that the directory on cigarette smuggling of their own goods or failure to control supply chains, as propagated by the Industry themselves, is only an example of many thousands of such transgressions easily searchable online.

<https://www.industrydocumentslibrary.ucsf.edu/tobacco/>

[http://www.tobaccotactics.org/index.php/Tobacco\\_Smuggling](http://www.tobaccotactics.org/index.php/Tobacco_Smuggling)

Download here all the data for the Panel-only use:

[https://www.dropbox.com/sh/zpq8v43cqa72a1a/AACOos8-LlOjaFKx\\_G\\_Nobe9a?dl=0](https://www.dropbox.com/sh/zpq8v43cqa72a1a/AACOos8-LlOjaFKx_G_Nobe9a?dl=0)

By now you should have also received the latest letter from Dr Margaret Chan, Director General World Health Organisation on this graphic health warning subject, sent yesterday to the Panel via Dr Judith Mackay, WHO Senior Advisor.

Yours sincerely,

James Middleton

Chairman

<http://cleartheair.org.hk>

Attachments:

Contents of Dropbox directories.pdf

## Contents of Dropbox directories for download and presentation to Hon Members





Dropbox > BigT-Court-Loss >

| Name                                | Date modified   | Type         | Size      |
|-------------------------------------|-----------------|--------------|-----------|
| BAT-Africa-Bribes                   | 01-Mar-17 15:48 | File folder  |           |
| BigT-smuggle-own-prods              | 01-Mar-17 17:50 | File folder  |           |
| CaseJudgments                       | 02-Mar-17 15:04 | File folder  |           |
| LegcoPHSSubmission                  | 02-Mar-17 15:04 | File folder  |           |
| Master-Settlement                   | 01-Mar-17 15:44 | File folder  |           |
| WHO-Letters                         | 02-Mar-17 15:00 | File folder  |           |
| AUS-Pack-Promo-Tool-Silent-Salesman | 01-Mar-17 12:41 | PDF Document | 2,892 KB  |
| Canada-health-labels                | 01-Mar-17 13:06 | PDF Document | 17,287 KB |
| Canada-plainpack-consultation       | 01-Mar-17 13:11 | PDF Document | 441 KB    |
| Canada-plainpack-initiative         | 01-Mar-17 13:28 | PDF Document | 183 KB    |
| CCS-PanelHS-Feb17                   | 28-Feb-17 17:49 | PDF Document | 4,959 KB  |
| FCTC-FCA-PlainPackWorks             | 01-Mar-17 12:19 | PDF Document | 769 KB    |
| France-PlainPack-zeroLogos          | 01-Mar-17 12:24 | PDF Document | 105 KB    |
| GraphWarnPressExmpl                 | 01-Mar-17 09:19 | PDF Document | 2,871 KB  |
| HRH Jordan to Legco PHS on GW       | 01-Mar-17 11:33 | PDF Document | 296 KB    |
| Ireland-PlainPack-enacted           | 01-Mar-17 12:14 | PDF Document | 923 KB    |
| Law360GraphWarnUS                   | 01-Mar-17 10:01 | PDF Document | 385 KB    |
| NZ-PlainPack-enacted                | 01-Mar-17 11:59 | PDF Document | 271 KB    |
| PlainPack-Chantler-Report           | 01-Mar-17 12:51 | PDF Document | 653 KB    |
| TobaccoAtlas-GraphWarn              | 01-Mar-17 12:30 | PDF Document | 1,794 KB  |
| TobControlFCTC                      | 02-Mar-17 15:20 | PDF Document | 6,984 KB  |

























Dropbox > BigT-Court-Loss > CaseJudgments

| Name                                      | Date modified   | Type         | Size     |
|---|-----------------|--------------|----------|
| 2016_PMI_vs_Uruguay                       | 28-Feb-17 17:38 | PDF Document | 3,530 KB |
| BAT-JTI-AUS-judgment                      | 01-Mar-17 15:22 | PDF Document | 862 KB   |
| BAT-vs-AUS-hcourt_gov_au_cases_case_s...  | 28-Feb-17 18:01 | PDF Document | 199 KB   |
| BigT-lose                                 | 28-Feb-17 17:39 | PDF Document | 481 KB   |
| doj-final-opinion-amended                 | 28-Feb-17 17:42 | PDF Document | 5,651 KB |
| Eur-Lex-Judgment                          | 01-Mar-17 14:37 | PDF Document | 345 KB   |
| EuropCourtJusticDecision                  | 01-Mar-17 08:56 | PDF Document | 173 KB   |
| Europ-Curia-358-14                        | 01-Mar-17 14:49 | PDF Document | 664 KB   |
| Europ-Curia-477-14                        | 01-Mar-17 14:56 | PDF Document | 727 KB   |
| Europ-Curia-577-14                        | 01-Mar-17 15:11 | PDF Document | 938 KB   |
| JTI-BAT-AUS-409-11-judgment               | 01-Mar-17 15:27 | PDF Document | 858 KB   |
| JTI-vs-AUS-hcourt_gov_au_cases_case_s4... | 28-Feb-17 18:02 | PDF Document | 195 KB   |
| PMlvsAUST-Arbit                           | 28-Feb-17 17:37 | PDF Document | 5,003 KB |
| UK-bat-v-dohjudgment                      | 28-Feb-17 17:38 | PDF Document | 2,760 KB |






> Dropbox > BigT-Court-Loss > BAT-Africa-Bribes

| Name   | Date modified   | Type         | Size     |
|--|-----------------|--------------|----------|
|  BAT-Africa-Panorama-Bribes | 01-Mar-17 10:27 | PDF Document | 408 KB   |
|  BAT-Bribes-Kenya           | 28-Feb-17 18:35 | PDF Document | 1,241 KB |
|  BAT-Hopkins-whistleblow    | 01-Mar-17 10:14 | PDF Document | 444 KB   |
|  BAT-Paid-Union             | 01-Mar-17 10:05 | PDF Document | 340 KB   |






Dropbox > BigT-Court-Loss > BigT-smuggle-own-prods

| Name  | Date modified   | Type         | Size     |
|---|-----------------|--------------|----------|
|  BAT-Chui-murder                               | 01-Mar-17 10:17 | PDF Document | 192 KB   |
|  BAT-smuggle-colombia                          | 01-Mar-17 17:10 | PDF Document | 113 KB   |
|  BAT-smuggling                                 | 01-Mar-17 17:12 | PDF Document | 160 KB   |
|  BAT-smuggling-tobaccotactics                  | 01-Mar-17 16:51 | PDF Document | 100 KB   |
|  CuriaLex-sues-US-tobacco-cos                 | 01-Mar-17 16:01 | PDF Document | 248 KB   |
|  euobserver_com_opinion_131592               | 28-Feb-17 18:44 | PDF Document | 1,022 KB |
|  Fictional-illicit-BS                        | 01-Mar-17 17:06 | PDF Document | 268 KB   |
|  Gallaher-smuggling-tobaccotactics           | 01-Mar-17 17:00 | PDF Document | 123 KB   |
|  ICIJ_tobacco_firms_used_susp_drug_traffi... | 01-Mar-17 16:03 | PDF Document | 145 KB   |
|  ICIJ-BigTob-Smuggl                          | 28-Feb-17 18:13 | PDF Document | 309 KB   |
|  ICIJ-tobaccounderground                     | 28-Feb-17 18:08 | PDF Document | 1,446 KB |
|  ICIJ-tobUndergr-links                       | 28-Feb-17 18:15 | PDF Document | 398 KB   |
|  Imperial-smuggling-tobaccotactics           | 01-Mar-17 16:58 | PDF Document | 104 KB   |
|  Joosenstobaccocontrol_bmj_com_conten...     | 01-Mar-17 17:47 | PDF Document | 150 KB   |
|  JTI_troubleswithbigtobacco                  | 01-Mar-17 16:05 | PDF Document | 435 KB   |
|  JTI-smuggling-tobaccotactics                | 01-Mar-17 16:49 | PDF Document | 103 KB   |
|  JTI-smuggling-tobtactics                    | 01-Mar-17 17:01 | PDF Document | 103 KB   |
|  PMI_new_lawsuit_risks                       | 01-Mar-17 15:57 | PDF Document | 433 KB   |
|  PMI-campaign-tobaccotactics                 | 01-Mar-17 16:55 | PDF Document | 216 KB   |
|  PMI-EU-smuggle-settle                       | 01-Mar-17 15:54 | PDF Document | 69 KB    |
|  RJR-Execu-smuggle                           | 01-Mar-17 17:50 | PDF Document | 267 KB   |
|  Stop-illicit-trade-tobacco-en               | 01-Mar-17 17:32 | PDF Document | 539 KB   |
|  www_euractiv_com_section_trade_society...   | 01-Mar-17 17:23 | PDF Document | 307 KB   |
|  www_independent_co_uk_news_uk_home...       | 01-Mar-17 17:30 | PDF Document | 736 KB   |

Dropbox > BigT-Court-Loss > Master-Settlement

| Name  | Date modified   | Type         | Size   |
|---|-----------------|--------------|--------|
|  BigT-Guilty-as-charged                    | 28-Feb-17 18:03 | PDF Document | 427 KB |
|  master-settlement-agreement               | 28-Feb-17 17:34 | PDF Document | 218 KB |
|  msa-overview-2015                         | 28-Feb-17 17:35 | PDF Document | 225 KB |
|  www_publichealthlawcenter_org_topics_t... | 28-Feb-17 17:35 | PDF Document | 96 KB  |
|  www_publichealthlawcenter_org_topics_t... | 28-Feb-17 17:41 | PDF Document | 114 KB |

Dropbox > BigT-Court-Loss > WHO-Letters

| Name  | Date modified   | Type         | Size   |
|---|-----------------|--------------|--------|
|  2016 Economics of Tob Control, WHO M... | 01-Mar-17 11:20 | PDF Document | 828 KB |
|  MargaretChanWHODG-HKG-Graphwarni...     | 01-Mar-17 11:42 | PDF Document | 733 KB |
|  WHO FCTC Chinese                        | 01-Mar-17 10:40 | PDF Document | 483 KB |
|  WHO-Letter-ScotParliament               | 13-Jan-17 21:19 | PDF Document | 500 KB |
|  WHO-WPRO-hkgFHB2016                   | 01-Mar-17 11:43 | PDF Document | 908 KB |