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LAGOS The Lagos State Government and Environmental Rights Action (ERA) have filed an action at the Lagos State High Court against several big tobacco companies seeking extensive reliefs that intend to regulate tobacco smoking especially as it affects youth and under-aged smokers.

The claimants also sought special, general, punitive and anticipatory damages in the sum of \$21,617,605, 885.17 (N2,702,200,735,647.17) from the Defendants.

The Defendants in the suit are: British American Tobacco (Nigeria) Limited, International Tobacco Limited, British American Tobacco Plc, British American Tobacco (Investment) Limited, Philip Morris International, and the Tobacco Institute.

The suit was filed by the Attorney General of Lagos State, Professor Yemi Osinbajo (SAN) on behalf of the State Government and the Environmental Rights Action/Friends of the Earth, Nigeria (ERA/FoEN).

In their suit, the claimants are making the following allegations: That the defendants have recently admitted that tobacco smoking has severe health implications including but not limited to cancer, cardiovascular and pulmonary complications; In spite of the obvious knowledge of the adverse effect of their product, the defendants have surreptitiously and fraudulently targeted young and under-aged persons in their advertising and marketing; That through the use of market surveys and sophisticated advertising, the defendants have utilised such means as music, cinema and fashion, to attract and addict young and underage persons into smoking.

"The mandatory health warnings inscribed on the pack is ineffective as the defendants promote a retail strategy of sale by the stick (the individual sticks that most consumers purchase have no such warning). This retail strategy is also a significant causal factor of youth smoking as it encourages easy access to the products."

"That on account of legal action, liability, and stricter control measures in the developed world such as the United States( where big tobacco companies and their lobby arms were mandated to pay compensatory damages of \$260 billion to State Governments for public health costs).

, the Defendants have turned their focus to the developing world with Nigeria being a top priority. While there is a significant decline in the smoking rates in the developed world with diminishing health concerns, in the developing world such as Nigeria, smoking increases at least by 20% annually. In Lagos, two (2) persons die daily in the government-run health facilities, from tobacco related diseases.

The claimants also against the defendants, jointly and severally, the following reliefs:

An Order of mandatory injunction compelling the defendants, their successors-in-title, privies and or agents to cease the marketing, promotion, distribution and sale of tobacco-related products to minors or under aged persons; An Order of mandatory injunction restraining the Defendants from representing or portraying to minors or persons under the age of eighteen (18), any alluring and/or misleading image regarding tobacco related products whether by direct depictions, pictorials, advertorials, images, words, messages, sponsorships, branding and/or through overt or covert and/or subliminal means.

An Order of Mandatory Injunction compelling the Defendants to publicly disclose, disseminate, and publish all research previously conducted directly or indirectly by themselves and their respective agents, parent or subsidiary companies, affiliates, servants, officers, directors, employees, and all persons acting in concert with or for them, that relates to the issue of smoking and health. In addition, the Claimants are seeking cumulative damages in the sum of N 2,702,200,35,647.17. Reacting to the filing of the suit, ERA Executive Director, Nnimmo Bassey said: the case is a significant step in tobacco control campaign in Africa.