

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

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**UNITED STATES OF AMERICA,**  
**Plaintiff,**

**v.**

**PHILIP MORRIS USA INC., et al.,**  
**Defendants.**

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**Civil Action No. 99-2496 (GK)**

**DECLARATION OF NORBERT HIRSCHHORN, M.D.**

1. My name is Norbert Hirschhorn, and I am over the age of 18.
2. I am a retired public health physician, working for over four decades in international health.
3. I have a Medical Degree from Columbia University College of Physicians and Surgeons (1962) and a Masters in Fine Arts in Poetry from Vermont College at Norwich University (1994). Following three years with the U.S. Public Health Service, where I was assigned to the Cholera Research Laboratory, East Pakistan, and attained the rank of Surgeon, I was the Senior Resident in Medicine at Boston City Hospital (Harvard Services) and then a Post-Doctoral Research Fellow in Electrophysiology, Renal Division, at Beth Israel Hospital (Harvard).
4. My academic positions have included appointments at the Johns Hopkins University School of Medicine, the Johns Hopkins University School of Hygiene and Public Health, the Liverpool School of Tropical Medicine (England), the Faculty of Medicine at Cairo University (Egypt), the University of Minnesota School of Public Health, the Faculty of Health Sciences at American University of Beirut (Lebanon), the Woodrow Wilson

School of Public and International Affairs at Princeton University, the Department of Epidemiology and Public Health at Yale University School of Medicine, the National Public Health Institute (Finland), and the London School of Hygiene & Tropical Medicine (England).

5. I have published over 75 peer-reviewed articles in my career, including articles in *JAMA*, the *Lancet*, and the *New England Journal of Medicine*, *Tobacco Control* (where I have also served as a reviewer). My professional recognitions include the Charles A. Dana Foundation Award for Pioneering Achievement in Health (1990); a Certificate of Commendation presented by United States President William J. Clinton as one of six “American Health Heroes” contributing to child health worldwide (1993); and a Pollin Foundation Award in International Pediatric Research (2002).
6. Over substantial periods of time from 1998 through 2009, I have served as a Consultant to the World Health Organization (WHO) and its regional offices where I have researched tobacco industry documents, prepared briefing papers for nations seeking to combat the adverse health, social and economic consequences of tobacco use and tobacco smoke exposure, written articles for journals, and provided technical assistance on search methods for the tobacco document collections. These materials include a bibliography of research articles based upon tobacco industry documents, titled *Research Reports and Publications Based on Tobacco Industry Documents*, which went through at least nine editions. The UCSF library currently maintains the bibliography, which contains articles published from 1991 to the present. I also served as a reviewer for the National Cancer Institute’s Monograph 19. National Cancer Institute, *The Role of the Media in Promoting and Reducing Tobacco Use*, Tobacco Control Monograph No. 19. Bethesda, MD: U.S.

Department of Health and Human Services, National Institutes of Health, National Cancer Institute. NIH Pub. No. 07-6242 (June 2008).

7. From 1995 to 1998, I served as Director of the Family Health Division within the Minnesota Department of Health. The Division of Family Health employed 175 staff and operated a budget of \$90 million.
8. Minnesota's tobacco control program is located within the Division of Family Health. Following my time as Director of the Division of Family Health, I began my research into internal tobacco company documents at the Minnesota Depository in August 1998, and continued my in-person research there through much of 1999. Later, when I left Minnesota, I continued research on-line at the Defendants' tobacco document websites and the non-industry websites for much of the past twelve years. I have worked with other researchers doing research at the Minnesota Depository intermittently over the same time period. I first began visiting the Minnesota Depository in about August 1998 to review 26 boxes of documents produced to the Minnesota plaintiffs by BATCo and BAT Industries, plc. This collection also contained documents from Brown & Williamson Tobacco Company (B&W). Almost none of the material from the BAT/B&W files had been publicly available before and I was able to create summaries on marketing to women; on the German tobacco industry association (Verband), and most usefully, the first indications of how the industry tried to influence tobacco control policies of the World Health Organization (WHO). I shared my detailed findings widely with WHO and others in public health.
9. The latter report, co-authored with Stella Bialous, Dr.P.H., R.N. prompted a detailed 250-page assessment by other WHO researchers. The WHO report warned member nations



that, "Evidence from tobacco industry documents reveals that tobacco companies have operated for many years with the deliberate purpose of subverting the efforts of WHO to control tobacco use. The attempted subversion has been elaborate, well financed, sophisticated, and usually invisible." Committee of Experts on Tobacco Industry Documents, World Health Organization, *Tobacco Company Strategies to Undermine Tobacco Control Activities at the World Health Organization* (July 2000), available at WHO Tobacco Control Papers, Center for Tobacco Control Research and Education, UC San Francisco, <http://www.escholarship.org/uc/item/83m9c2wt>, at page iii.

10. The materials I have obtained from the Minnesota Depository have informed my research and, in conjunction with my research online, have ultimately led to peer-reviewed articles or reports including the following:

- a. Hirschhorn, N. "Shameful Science: Four Decades of the German Tobacco Industry's Hidden Research on Smoking and Health." *Tobacco Control*, vol. 9, 2000:242-247. This paper showed, among other matters, the extensive collusion of the international tobacco companies to suppress research unfavorable to the industry.
- b. Hirschhorn, N. "How the tobacco and food industries and their allies tried to exert undue influence over FAO/WHO food and nutrition policies." Internal WHO document, unpublished, 2002; summarized at <http://www.hst.org.za/news/20030119>, [http://apha.confex.com/apha/131am/techprogram/paper\\_70504.htm](http://apha.confex.com/apha/131am/techprogram/paper_70504.htm). This paper drew upon material first obtained at the Minnesota Depository and showed the degree to which the tobacco industry placed experts in key committees where food and tobacco interests overlapped.
- c. Hirschhorn N. Tobacco use and personal responsibility. Globalink public page, [www.globalink.org](http://www.globalink.org). (Accessed 21 March 2011.) I eventually put the following paper on to the public page of Globalink from material derived in my initial research of BAT/B&W documents.

11. I have also used documents from the Minnesota Depository as background information to inform various countries about the industry's involvement in their nations; a series of internal briefs were prepared for the WHO Tobacco Free Initiative.
12. The WHO has used internal industry documents from the Minnesota and Guildford Depositories to analyze the extent of tobacco companies' efforts to disrupt public health efforts to prevent tobacco-caused disease and death. The most recent report advised member nations that:

Much industry activity to undermine tobacco control is thus clandestine, and the intent and details are not made public or subjected to corporate scrutiny. The release of internal tobacco industry documents provided unprecedented insight into the extent of its interference in effective tobacco control. The ruling by Judge G. Kessler in the United States in 2006 will mean that the industry must maintain its obligation to deposit documents in Minnesota and Guildford for an additional 15 years.

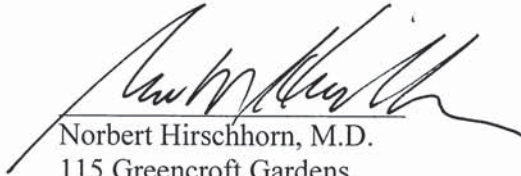
World Health Organization, *Tobacco Industry Interference with Tobacco Control* (Feb. 2009), available at WHO Tobacco Control Papers, Center for Tobacco Control Research and Education, UC San Francisco, <http://www.escholarship.org/uc/item/98w687x5>, at page 19 (citations omitted).

13. The Minnesota Depository provides benefits to tobacco document researchers not available with online tobacco document websites. In my own research, I found that a major value of going through documents from the boxed collections at the Depository is the adventitious discovery of documents tangentially related or not at all to the original search topic. Focused research using websites may overlook such serendipity. Although I've not much used the other collections at the Depository, such as video and audiotapes, it would seem to me these can be most useful to round out or initiate new research.
14. Additionally, in my experience, the tobacco companies' websites are not particularly easy to use for doing research. There have been times when the sites were down; each site has its own search idiosyncrasies, often frustrating to navigate. Thus, in my view, is

important that both the physical document depositories and the websites all continue to be maintained and publicly accessible.

Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 22, 2011



Norbert Hirschhorn, M.D.  
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