News

US government to sue tobacco companies

Scott Gottlieb *New York*

The United States Justice Department has filed a massive civil lawsuit against the country's major tobacco companies, seeking to recover billions of dollars in long term costs related to treating ill smokers covered by the government health programmes.

The lawsuit alleges that cigarette smoking causes lung cancer and other diseases that have resulted in an estimated $25bn (£15.6bn) in annual health claims paid by the government. The suit also claims that tobacco firms conspired to conceal the risks of smoking from the public.

In terms of damages sought, the suit is the largest ever brought by the Department of Justice. The landmark filing was announced by the attorney general, Janet Reno, and brought at the behest of President Clinton as announced in his State of the Union address earlier this year.

The tobacco industry has been under intense legal pressure since 1994, when states began to file multibillion dollar claims against the tobacco industry, to recoup the cost of caring for people with smoking related disease through Medicaid (the federal state health insurance programme), which pays for the health care of poor and disabled people.

Those suits were settled last year for $246bn—of which $206bn came in one large settlement by 46 states—which will be paid by smokers through higher prices. The settlement came after the collapse of an effort to write federal legislation that would have substantially increased the cost of cigarettes through taxes and would have restricted the marketing of tobacco.

AP/GREG GIBSON

President Clinton talks to reporters about the lawsuit filed by the Department of Justice against tobacco companies

"Smoking is the nation's largest preventable cause of death and disease, and American taxpayers should not have to bear the responsibility for the staggering costs," Ms Reno said. "For more than 45 years, the cigarette companies conducted their business without regard to the truth, the law, or the health of the American people." □

Full story in News Extra at www.bmj.com

UK juniors demand more talks on pay offer

Linda Beecham *BMJ*

Representatives of the United Kingdom's 35 000 junior hospital doctors have sent their leaders back to the negotiating table to push for a better deal on the Department of Health's offer on out of hours pay. They want a special conference and a ballot of BMA junior members on any settlement reached.

The offer came after years of frustration over working conditions and overtime pay. Many juniors are paid at 50% of the standard hourly rate after the first 40 hours of work, and this rate applies to nights, weekends, and bank holidays. This works out at £4.02 ($6.40) an hour for most first year junior doctors.

The frustration culminated in a decision to ballot junior doctor members of the BMA on industrial action unless the issue was successfully resolved. The juniors had the backing of all sections of the BMA (10 July, p 74), and the association conducted a high profile campaign, which included 200 mess meetings attended by 10 000 junior doctors.

The Department of Health made its final offer last week, the day before the meeting of the BMA's Junior Doctors Committee, and members were angered by press headlines declaring "Hours deal welcomed by junior doctors," and "Doctors' strike averted." But the junior doctors' chief negotiator, Mr Nizam Mamode, assured the committee, "A deal has not been done on your behalf. An offer has been made by the Department of Health." The department had been left in no doubt that the offer would be taken to the committee for ratification.

The department has offered a new contractual system for a banded salary structure starting from 1 October 2000. Additional duty hours will be abolished, and doctors will be put into one of four bands according to the intensity of their workload. For example, first year house officers earning a basic salary of £16 710 and working more than 56 hours a week could see their pay rise to £33 420 by 2002, excluding annual pay rises. The proposals would put increased pressure on trusts to reduce hours.

Mr Mamode insisted that the offer was only the beginning of a deal. There would have to be nationally agreed criteria for deciding which doctors went into which band. It would become a contractual requirement to meet the new deal agreement, under which no juniors are supposed to work more than 56 hours a week. Pay would be protected when hours fell. The offer also included removing inappropriate jobs from junior doctors (such as form filling and portering), ensuring better accommodation and catering, and ensuring that the right support staff and equipment were available in the right places at the right time.

The Junior Doctors Committee decided that there were insufficient details to accept or reject the offer.

The chairman of the Junior Doctors Committee, Mr Andrew Hobart, has written to all junior doctors. His letter is on the BMA's website: www.bma.org.uk (see p 868). □