

1. In the U.S. Department of Justice lawsuit against the major tobacco companies under the Racketeer Influenced and Corrupt Organizations Act (“RICO”

3. Tobacco company research conducted literally decades ago – which was never presented to the Commission – indicated that lower tested yields did not entail a reduction in smoke intake. Brief for the United States as Amicus Curiae Supporting Respondents at 9, *Altria v. Good*, No. 07-562 (U.S. June 18, 2008). *See also id.* at 9-11 (setting forth instances where tobacco companies failed to disclose to the Commission, or affirmatively downplayed, effects of compensation); *Philip Morris*, 449 F. Supp. 2d at 431 (“Defendants did not disclose the full extent and depth of their knowledge and understanding of smoker compensation to the public health community or to government regulators.”).

4. *See* Brief for the United States as Amicus Curiae Supporting Respondents at 15, *Altria v. Good*, No. 07-562 (U.S. June 18, 2008).

5. *E.g.*, FTC Consumer Alert, *Up in Smoke: The Truth About Tar and Nicotine Ratings*, www.ftc.gov/bcp/edu/pubs/consumer/alerts/alt069.pdf (May 2000).