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1 **IV. Lorillard**

2 **Q: What types of Lorillard materials did you analyze?**

3 A: I reviewed Lorillard internal marketing documents and Newport advertisements from
4 1972 to the present.

5 **Q: What did you conclude from your review of Lorillard documents and Newport**
6 **advertisements?**

7 A: I drew two conclusions. First, Lorillard recognizes the need to attract adolescents in
8 order to maintain and grow its share of the cigarette market. Second, in its advertising
9 and other marketing practices, Lorillard has consistently associated smoking Newport
10 with themes and images that are important to adolescents, thereby motivating adolescents
11 to smoke Newport.

12 **Q: Please explain your first conclusion.**

13 A: Lorillard recognizes the need to attract adolescent smokers in order to maintain and grow
14 its share of the cigarette market. Lorillard monitored cigarette smoking among teenagers
15 long after the industry claimed not to be marketing to teenagers. It analyzed the ages at
16 which teenagers started smoking Newport and understood that the success of its business
17 derived from these teenagers smoking Newport.

18 **Q: Can you provide some examples of documents that show that Lorillard monitored**
19 **the smoking behavior of teenagers?**

20 A: Yes, there are documents from the 1970s and 1980s on this topic. For example, an
21 August 30, 1978 Lorillard memorandum from Ted Achey, Lorillard Director of Sales in
22 the Midwest, to company President Curtis H. Judge regarding "Product Information"
23 stated:

1 The success of Newport has been fantastic during the past few years. Our
2 profile taken locally shows this brand being purchased by black people (all
3 ages), young adults (usually college age), but the base of our business is
4 the high school student.

5
6 03537131-7132 at 7131 (U.S. Exhibit 22,357).

7
8 An October 1981 report prepared for Lorillard by the firm Shoi Balaban
9 Dickinson Research entitled “An Exploratory Study for Newport - Smoking and Purchase
10 Behavior of Young Adults” stated:

11 Starting to Smoke

- 12 – One-half of these respondents started to smoke at ages 10 to 13 years,
13 with the pattern being precisely equal between the male and female
14 respondents.
15 – The remaining half of the respondents was divided between those who
16 started to smoke at 14, 15, or 16 years of age and those who started at 17
17 or 18 years. Among these participants it was rare to start smoking at an
18 age older than 18 years.
19 – Marlboro and Newport were mentioned far more often than any other
20 brands as the initial brand smoked.
21
22 – Newport: Both the male and female respondents thought of the
23 typical Newport smoker as “young”, and both cited Newport as a brand
24 used by those who are just starting to smoke.

25
26 83896981-7009 at 6995, 7000 (U.S. Exhibit 55,927).

27
28 A November 25, 1981 Lorillard memorandum from Laurie Moroz, Manager of
29 General Marketing Research, to J.R. Ave entitled “Smoker Incidence by Age Groups”
30 included data on the percent and rate of smoking among those 13- to 17-years-old.

31 03926040-6042 at 6041-6042 (U.S. Exhibit 20,065).

32 These documents show that Lorillard understood that most smokers start smoking
33 during their teenage years and that Lorillard was collecting data on the smoking initiation
34 process among teenagers.

1 A. Newport

2 **Q: Please explain your second conclusion.**

3 A: Lorillard has consistently associated its Newport brand with themes and images of
4 popularity and social acceptance as well as fun and excitement. In addition to these
5 primary themes, Lorillard has associated the Newport brand and Newport smokers with
6 athleticism and relaxation.

7 **Q: Dr. Biglan, have you created a demonstrative to support your conclusion?**

8 A: Yes, I have created Demonstrative 13, which shows Lorillard documents that relate to the
9 marketing of the Newport brand.

10 1. Popularity and Social Acceptance

11 **Q: Do images of popularity and peer acceptance make Newport appealing to**
12 **adolescents?**

13 A: Yes. As I testified earlier, most adolescents desire to be a well-liked member of a peer
14 group. Many of the advertisements for Newport tell them that Newport smokers are
15 socially successful. Most adolescents want romance and are keenly interested in the
16 opposite sex. Newport advertisements tell them that Newport smokers are successful
17 with the opposite sex. Thus, Newport advertising communicates that adolescents can
18 meet their needs for popularity and peer acceptance by smoking Newport.

19 **Q: What documents show that Lorillard associates its Newport brand image with**
20 **themes and images of popularity and social acceptance?**

21 A: The August 30, 1978 Lorillard memorandum from Ted Achey, Lorillard Director of Sales
22 in the Midwest, to company President Curtis H. Judge that I cited earlier discussed the
23 reason for Newport's success: "NEWPORT in the 1970's is turning into the Marlboro of

1 the 60's and 70's. It is the 'In' brand to smoke if you want to be one of the group."
2 03537131-7132 at 7131 (U.S. Exhibit 22,357).

3 **Q: What does this memorandum show?**

4 A: It shows that Lorillard understands that, when young people perceive that a brand is the
5 "in" brand and that those who smoke it are "in," the brand is more likely to be successful
6 in the marketplace. Communicating that young people who are "in" smoke Newport will
7 motivate other young people who want to be "in" to smoke it too.

8 **Q: Can you provide another example?**

9 A: Yes. The October 1981 report prepared for Lorillard by the research firm Shoi Balaban
10 Dickinson Research entitled "An Exploratory Study for Newport Smoking and Purchase
11 Behavior of Young Adults" stated: "Adoption of current brand was very often motivated
12 by a desire to smoke the same brand as a close friend or friends." 83896981-7009 at
13 6989 (U.S. Exhibit 55,927).

14 **Q: What does this report show?**

15 A: Like the other documents, it too shows that Lorillard understands that a desire to fit in
16 with one's friends motivates the choice of a cigarette brand.

17 **Q: Can you provide more examples and explain how they support your conclusion?**

18 A: Yes. A November 11, 1993 presentation by McCracken Brooks for Lorillard entitled
19 "Newport Promotional Concepts" stated that an objective of Newport promotions was to
20 "Strengthen Newport's competitive edge as the peer brand among young adult smokers."
21 The presentation also stated, regarding one of the advertisements Lorillard had evaluated,
22 "The atmosphere of camaraderie and positive attitude collectively support the 'Alive with
23 Pleasure' heritage." 91949806-9831 at 9808, 9813 (U.S. Exhibit 57,155).

1 A July 1994 report entitled “An Evaluation of the Newport ‘Pleasure on Wheels’
2 Promotion” prepared for Lorillard by Meyers Research Center specified that one of the
3 primary objectives of the promotion was to “Reinforce Newport’s image as the ‘peer
4 brand’ among young adult smokers.” 91840214-0311 at 0218 (U.S. Exhibit 74,415).

5 These documents show that Lorillard understands the importance of
6 communicating that Newport is popular among peers and also shows that Lorillard’s
7 marketing is oriented toward communicating this.

8 **Q: Can you provide further examples and explain how they support your conclusion?**

9 A: Yes. A January 1994 report prepared for Lorillard by Riva Market Research reported on
10 the results of eight focus groups with menthol smokers on “Issues Related to Newport
11 Cigarettes and its Advertising Campaign.” The report stated that African Americans
12 smoke Newport “because they perceive Newport as an ‘in’ cigarette that is popular
13 among their friends and peers.” The report also stated, “Black Salem/Kool Smokers
14 relate Newport to . . . popularity.” 91950191-0242 at 0196, 0199 (U.S. Exhibit 74,423).

15 A July 15, 1996 report from Dick Westwood at Strategy & Tactics, Ltd. to Scott
16 Benson, Group Manager of Marketing Research at Lorillard, regarding “The Menthol
17 Market Study Reanalysis” discussed the relative importance of taste and imagery for
18 making a brand attractive and specifically focused on social acceptance:

19 [T]here is a strong relationship between image and brand. For example,
20 81% of those who characterize their brand primarily in terms of “Social
21 Acceptance” are, in fact, smoking Newport. Imagery thus seems to play a
22 major role in menthol brand selection—not just, or even primarily, “taste”
23 imagery but, particularly, user imagery . . . a large part of menthol brand
24 choice may thus be driven by a brand’s “social meaning”, and its fit to
25 motives rooted in personality and lifestyle.

26
27 96290861-0869 at 0866 (U.S. Exhibit 85,209).

1 These documents show that Lorillard understands the importance of associating
2 the image of “social acceptance” with the Newport brand through its advertising.
3 Moreover, Lorillard recognizes that it has been successful in doing so, since those who
4 see Newport as a brand associated with social acceptance or being “in” are smoking the
5 brand. The perception that smoking Newport goes with social acceptance has been
6 firmly established in the minds of those exposed to Newport’s advertising.

7 **Q: Have you seen documents from other tobacco companies that support your**
8 **conclusion about Newport?**

9 A: Yes. Philip Morris’s own research shows that Newport’s popularity is due to the
10 perception among those who desire peer acceptance that the brand will help them fit in
11 with their peers. A February 1998 Philip Morris report entitled “Young Adult Smoker
12 Lifestyle and Attitude Segmentation” identified segments of young adult smokers in
13 terms of their lifestyles and personalities. The document dubbed one group “Hollow
14 Followers” because of their strong motivation for peer acceptance. The report stated that
15 Newport’s “perceived peer popularity is driving its growth among Hollow Followers.”
16 2073056330-6412 at 6409 (U.S. Exhibit 42,808).

17 **Q: As a psychologist, could you please explain what age group is most concerned with**
18 **popularity, being “in,” and peer acceptance?**

19 A: As I testified earlier, being accepted by one’s peers is a core issue for adolescents. Issues
20 of fitting in and having others like them are dominant concerns during this developmental
21 period. There is a large literature of empirical studies on the way in which peer
22 acceptance or approval influences the development of other behaviors in adolescence.
23 These issues tie in with adolescents’ needs for satisfying self-images and with their

1 concerns about masculinity and femininity. The need for acceptance is one of the prime
2 factors motivating adolescents to engage in behaviors they perceive will help them
3 achieve acceptance.

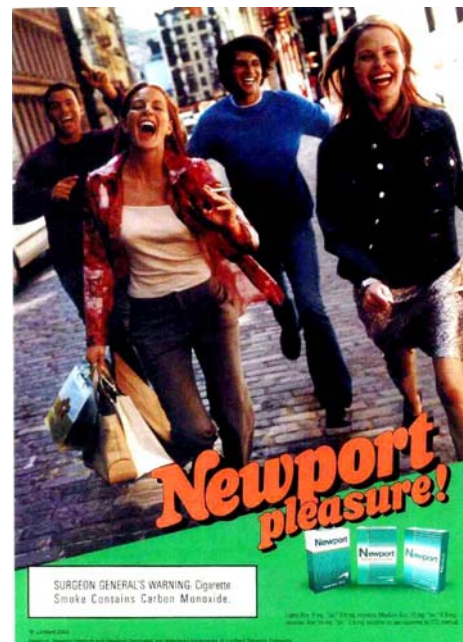
4 **Q: Can you give examples of Newport advertisements that involve popularity and then**
5 **explain the imagery of these advertisements?**

6 A: Yes. Newport advertising has been remarkably consistent since 1972. The imagery has
7 consistently involved themes of popularity and social acceptance. The Alive with
8 Pleasure campaign almost invariably depicts attractive young men and women interacting
9 in fun, light-hearted situations.

10 Here are two advertisements that Lorillard ran 28 years apart. In both, attractive
11 young people are laughing heartily. They are having good times together.



Sports Illustrated, October 1975 (ADV0151173-1174, U.S. Exhibit 4,873)

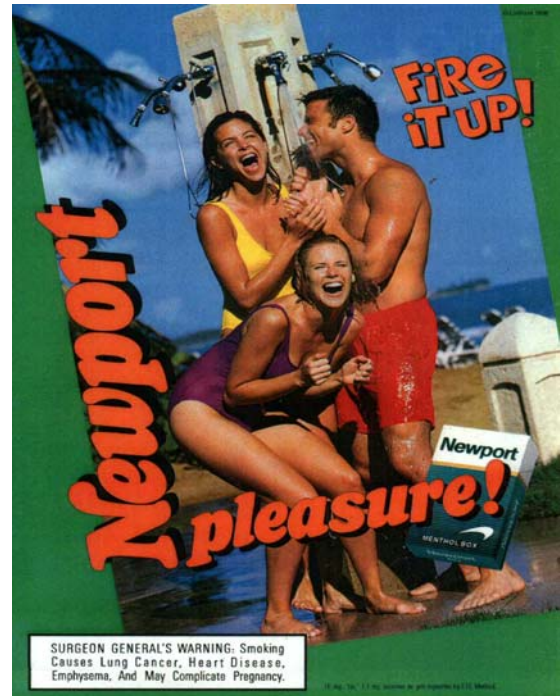


Entertainment Weekly, May 2003 (ADV0430043-0045, U.S. Exhibit 11,183)

1 In the two advertisements pictured on the next page, healthy, robust young people
2 are having fun together in fun situations. All of these young people are accepted
3 members of a fun peer group.



People, June 1998 (ADV0450150-0152, U.S. Exhibit 11,257)



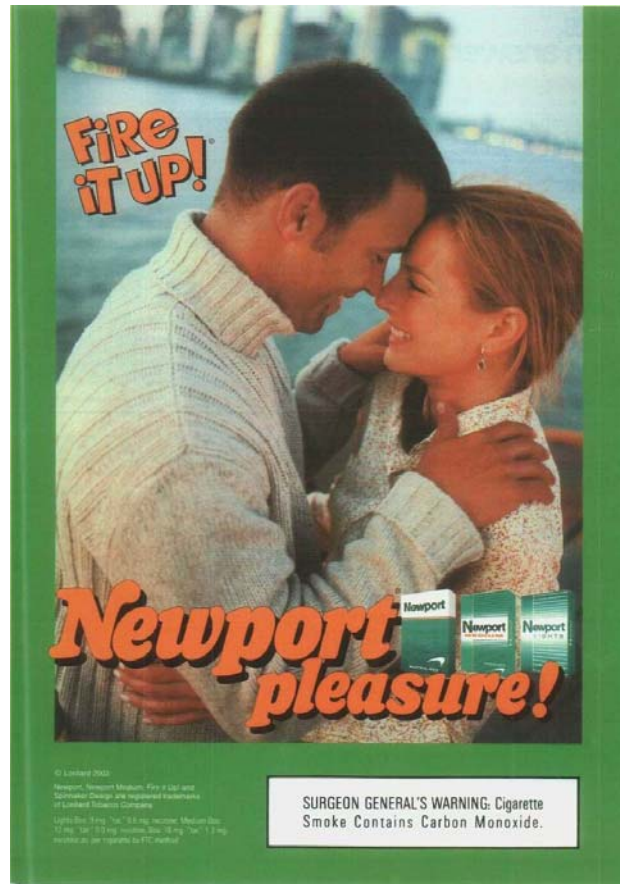
People, August 1998 (ADV0450228-0230, U.S. Exhibit 11,283)

4 Frequently, Newport advertisements show couples in a romantic embrace or a
5 playful situation, such as the first advertisement on the following page from the Alive
6 with Pleasure campaign, or the second advertisement on the following page from the Fire
7 It Up campaign.

8 All of these advertisements show that a Newport smoker is a person who has good
9 times with other people. They communicate that young people who smoke Newport are
10 well-liked, socially successful people with attractive friends and boyfriends or girlfriends.



Sports Illustrated, August 1984 (ADV0220762-0763, U.S. Exhibit 7,768)



Glamour, April 2003 (ADV0860283-0285, U.S. Exhibit 14,767)

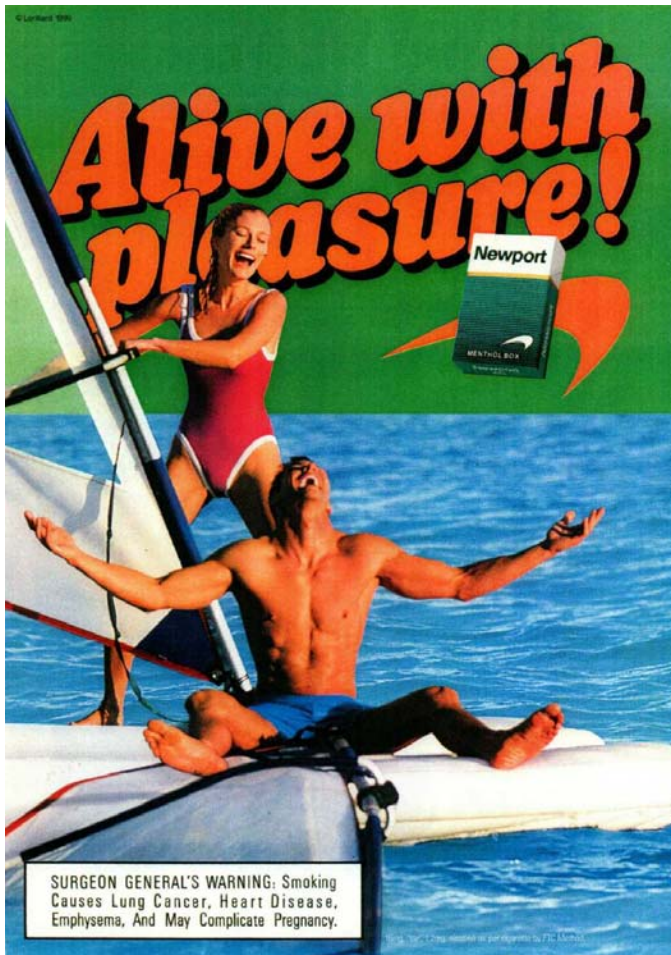
1 **Q: Are there other ways that Lorillard associates Newport and the Newport smoker**
2 **with themes and images of popularity and social acceptance?**

3 A: Yes. Through the content of the magazines in which it advertises Newport, Lorillard
4 associates smoking Newport with themes and topics that are of great interest to
5 adolescents who are concerned about popularity. The magazines include ones appealing
6 to young women (e.g., *Mademoiselle*, *Cosmopolitan*, *In-Style*), men's magazines (e.g.,
7 *Playboy*, *GQ*), music magazines (e.g., *Rolling Stone*, *Spin*), celebrity magazines (e.g.,
8 *People*), and sports magazines, such as *ESPN*. Through association with the editorial
9 content of these magazines, combined with the peer approval imagery pictured in
10 Newport's advertisements, Lorillard conveys the image of the Newport smoker as
11 someone who has all the qualities that go with being socially successful.

12 **Q: Can you provide some examples of Newport advertisements from the magazines you**
13 **just referenced and explain what you mean about the magazine content?**

14 A: Yes. For example, the content of celebrity magazines helps Lorillard communicate that
15 the Newport smoker is popular. On the next page is an advertisement that appeared in a
16 1999 issue of *People*. As I testified earlier, adolescents who are concerned about
17 popularity are interested in other people who are popular. By reading about these popular
18 people, adolescents can get clues about how to achieve popularity themselves and they
19 can vicariously experience what it is like to be well known and well liked. Through the
20 celebrity-focused editorial content of *People*, in combination with the peer group imagery
21 used in Newport advertisements, Lorillard communicates that Newport is part of the
22 world of popular people. An adolescent who is seeking ways to feel accepted learns that
23 Newport smokers are socially successful. At the same time, adolescents' peer groups

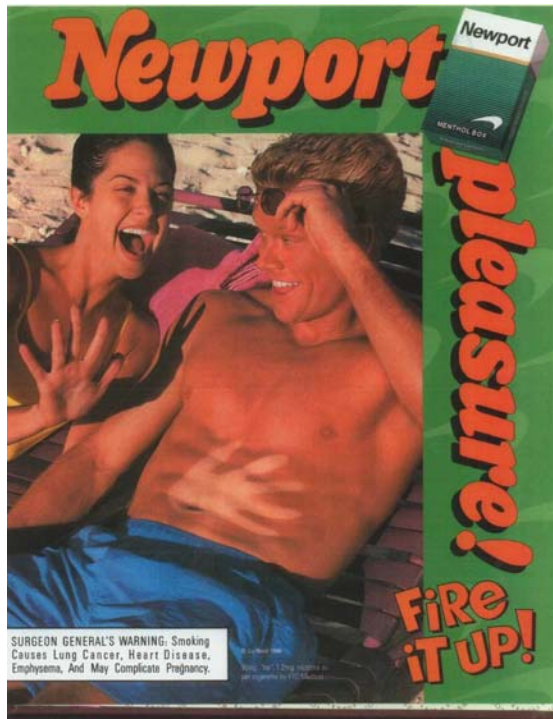
1 learn that smoking Newport is what socially successful people do. In this way, the
2 advertising truly conditions the peer group to be more accepting of the young person who
3 smokes Newport. The study by Pechmann and Knight (2002), cited in Demonstrative 6,
4 illustrates this point. (U.S. Exhibit 72,905)



People, August 1999 (ADV0480073-0075, U.S. Exhibit 11,590)

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The following advertisement appeared in *In Style* in 1999. It shows an attractive, healthy couple having fun. The magazine featured stories about movie stars, fashion, parties, and recreation. By placing Newport advertisements featuring popular and happy young people in this magazine, Lorillard effectively links smoking Newport with the excitement, glamour, and sex appeal that adolescent girls associate with movie stars, big parties, and popular fashions. The message is clear: Newport smokers are popular people who have fun times with their friends.



In-Style, August 1999 (ADV0850199-0201, U.S. Exhibit 14,637)

1 **2. Fun and Excitement**

2 **Q: What other images does Lorillard associate with Newport?**

3 A: Lorillard associates fun and excitement with Newport.

4 **Q: How does the association of images of fun and excitement with the Newport brand**
5 **make it appealing to adolescents?**

6 A: Lorillard’s advertisements effectively communicate that one can have fun and excitement
7 by being a Newport smoker. As I testified earlier, many adolescents crave excitement
8 and most are interested in having fun with their peers. The Newport world is one filled
9 with the fun and excitement that adolescents crave.

10 **Q: Can you provide examples of documents that support this conclusion?**

11 A: Yes. A number of documents listed in Demonstrative 13 show that Lorillard has
12 effectively associated Newport with adolescent themes of fun and excitement.

13 **Q: Can you provide some examples?**

14 A: Yes. In an October 1981 study of Newport smoking and purchase behavior among 18- to
15 24-year-olds entitled “An Exploratory Study for Newport Smoking and Purchase
16 Behavior of Young Adults,” conducted for Lorillard by the research firm Shoi Balaban
17 Dickinson Research, respondents were shown five to ten Newport advertisements. “They
18 described the people shown in the ads as happy, or ‘having fun’ and healthy.” 83896981-
19 7009 at 7003 (U.S. Exhibit 55,927).

20 A September 1988 study prepared by the Lorillard Marketing Research
21 Department entitled “Newport Image Study” listed perceptions of Newport smokers. It
22 stated that, in all geographic regions, “Newport smokers were viewed as party-goers,

1 those that do their own thing and fun-loving” who “were viewed younger and more fun-
2 loving than Kool and Salem smokers.” 89579737-9797 at 9784 (U.S. Exhibit 67,673).

3 A November 11, 1993 presentation by McCracken Brooks for Lorillard entitled
4 “Newport Promotional Concepts” outlined a number of advertising and marketing
5 strategies that involved communicating fun and excitement:

- 6 • Build excitement around Newport as an integral part of the urban
7 center lifestyle
- 8 • Develop exciting innovative program concepts and overlays with
9 involving and dynamic features that pull the consumer to the brand
- 10 • Reinforce brand image and equity in the ‘pleasure’ positioning as
11 developed through previous advertising campaigns.

12
13 91949806-9831 at 9808 (U.S. Exhibit 57,155).

14 A January 1994 report prepared for Lorillard by Riva Market Research reported
15 on the results of eight focus groups with menthol smokers and presented a number of
16 findings showing that the Alive with Pleasure campaign communicates that Newport
17 smokers have fun:

18 Black Salem/Kool Smokers relate Newport to fun and excitement. . . .
19 Black Newport Smokers believe that Newport ads send strong, positive
20 messages because they incorporate happiness, togetherness, and people
21 taking part in fun things. . . . The strength of “Alive with Pleasure” is that
22 it depicts settings where fun situations that could include smoking are
23 presented. . . . The strength of “Newport Pleasure” is that the theme
24 centers on the benefits [fun] of a specific brand [bracketed “fun” appears
25 in the original] AWP [Alive with Pleasure] . . . communicates: life,
26 energy, activities, happy times, couples, togetherness, wholesomeness, and
27 fun. . . . AWP [Alive with Pleasure] seems to set more of a mood of being
28 upbeat, happy, full of life and energy.

29
30 91950191-0242 at 0196, 0199, 0200 (U.S. Exhibit 74,423).

31 **Q: What do these documents demonstrate?**

32 A: Lorillard uses themes and images of fun and excitement to market the Newport brand,
33 and Lorillard is effective in conveying the image of the Newport smoker as someone who

1 has lots of fun. Such Newport advertisements would influence adolescents who were
2 seeking fun or excitement by communicating that smoking Newport can help them meet
3 their psychological needs.

4 **Q: Do any documents from other tobacco companies support your conclusion?**

5 A: Yes, documents show that other companies understand that Lorillard effectively
6 associates Newport with fun and excitement. For example, a December 1987 research
7 report prepared for Philip Morris by Bamundo Qualitative Research discussed focus
8 group sessions among 18- to 24-year-old Newport smokers. The report stated:

9 Participants at both sessions perceived the typical Newport smoker to
10 range in age from older teens to mid/upper twenties. Further, the Newport
11 smoker was outgoing, fun-loving, enjoyed partying, and was into disco
12 and/or jazz music.

13
14 2072661589-1613 at 1601 (U.S. Exhibit 89,186).

15 A 1999 presentation entitled “A Look at the Smoking Culture of Young Adult
16 Males,” presented to Philip Morris by the research firm the Golden Door reported on a
17 study of 19-24 year old smokers. It reported: “Newport, on the other hand, is simple and
18 direct, about energy, parties and good times, as well as being open, friendly, and
19 streetwise.” LB0167349-7429 at 7424 (U.S. Exhibit 33,659).

20 An April 14, 2000 memorandum from Michael Cassidy, a Consumer Research
21 Manager at Philip Morris, to “Distribution List” summarizes data from Philip Morris’s
22 “YAMScan II- Final Presentation.” “YAMS” stands for “Young Adult Male Smoker.”
23 The memorandum discusses why some YAMS may be gravitating to the Newport brand:
24 “Newport . . . has a simple characterization of being fun, inclusive, parties and good
25 times.” 2081597478-7481 at 7480 (U.S. Exhibit 45,420).

1 A February 9, 2001 Leo Burnett (Philip Morris's advertising agency)
2 memorandum addressed to various Philip Morris executives reported on a Marlboro
3 imagery study among menthol YAS, or young adult smokers. It stated, "Newport YAS
4 say menthol equals 'energy,' 'excitement.'" 2081338997-8999 at 8998 (U.S. Exhibit
5 45,389).

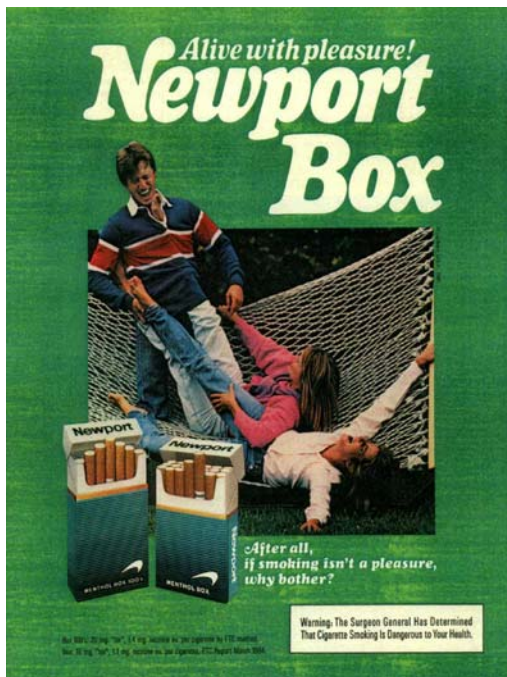
6 Finally, an August 6, 1999 draft presentation bearing Philip Morris and
7 advertising agency Young & Rubicam insignias entitled "Life after Launch: Parliament
8 Creative Development and Photoshoot for Year 2000" states that Newport " 'Owns'
9 fun/active . . . positioning." 2080490740-0774 at 0752 (U.S. Exhibit 70,717).

10 **Q: What do these documents show?**

11 A: Documents show that Lorillard uses themes and images of fun and excitement to attract
12 adolescents to its Newport brand. They show that Philip Morris also understands that
13 Newport advertising is effective in conveying the image of the Newport smoker as
14 having fun and excitement.

15 **Q: Can you show the Court advertisements in which Lorillard associates Newport with**
16 **images of fun or excitement?**

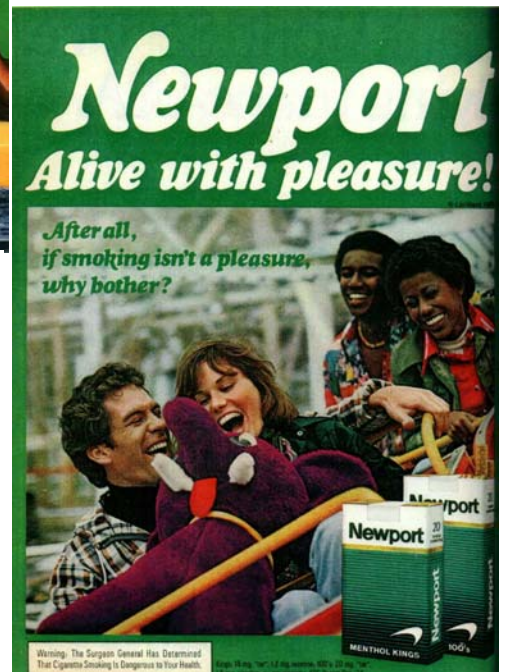
17 A: Yes. The following two advertisements show attractive, happy, young people "horsing
18 around" in either a hammock or a kayak; the third advertisement shows young people on
19 a roller coaster. For adolescents who like excitement, a roller coaster is a pretty good bet.
20 These Newport advertisements also convey the themes of fun and excitement by using
21 taglines for the campaigns Alive with Pleasure and Newport Pleasure.



Rolling Stone, May 1985
 (ADV0060034-0036, U.S. Exhibit 1,156)



Mademoiselle, September 2000
 (ADV0510501-0503, U.S. Exhibit 12,421)



Sports Illustrated, April 1975
 (ADV0150611-0612, U.S. Exhibit 4,685)

1 3. *Athleticism*

2 **Q: What other themes or images, if any, does Lorillard associate with its Newport**
3 **brand?**

4 A: Athleticism.

5 **Q: How does Lorillard associate Newport with athleticism?**

6 A: Lorillard marketing of Newport often associates the brand and its users with athletic
7 activities. Newport advertisements show young people enjoying numerous sports,
8 including football, tobogganing, skiing or ski jumping, archery, hiking, basketball,
9 soccer, rock or mountain climbing, wind surfing, fishing, water volleyball, rollerblading,
10 surfing, and baseball.

11 **Q: Does Lorillard’s association of Newport with athleticism appeal to adolescents?**

12 A Yes. Many adolescents are very interested in sports. By advertising during televised
13 sports events, as I will discuss below, Lorillard communicated to adolescents who
14 watched these shows that smoking Newport was perfectly compatible with the world-
15 class athletic performances of the athletes who appeared on these broadcasts. Just as the
16 documents reviewed above showed that Newport advertisements communicated that
17 smoking Newport would make one “happy” and “full of life,” advertising on these shows
18 associated Newport with peak athletic performance.

19 Similarly, Lorillard’s ongoing association of the Newport brand with diverse
20 athletic activities communicates that smoking Newport is perfectly compatible with these
21 fun activities. Moreover, Lorillard often depicts these fun activities as highly social,
22 appealing again to adolescent desires for popularity and peer approval. Adolescents who

1 seek the good times they already associate with sports shown in Newport advertisements
2 will readily conclude that smoking Newport should be a part of these activities.

3 **Q: Are there internal Lorillard documents that support your conclusion?**

4 A: Yes, listed in Demonstrative 13 are documents that show that Lorillard associates
5 athleticism with smoking Newport.

6 **Q: Can you provide some examples?**

7 A: Yes. A Lorillard presentation for its 1964 national sales meeting stated that the company
8 would advertise Newport on a number of television sports shows, including *Wide World*
9 *of Sports*, the American Football League, and the Pre-Olympic trials. 04411381-1443 at
10 1409 (U.S. Exhibit 74,884).

11 In an October 1981 report prepared for Lorillard by the research firm Shoi
12 Balaban Dickinson Research entitled “An Exploratory Study for Newport Smoking and
13 Purchase Behavior of Young Adults,” respondents provided their reactions to models in
14 Newport advertising. Respondents “repeatedly described them as ‘all outdoors’ or
15 ‘sports.’” 83896981-7009 at 7003 (U.S. Exhibit 55,927).

16 The November 1993 presentation made to Lorillard by McCracken Brooks
17 discussed the Newport Sports Campaign: “The Newport Sports promotion crosses
18 cultural boundaries with the universal appeal of sports. . . . As groups of consumers
19 engage in the Newport zone activities the interest of the activities provides a mutual
20 pleasurable experience.” Under “Rationale,” the document stated: “Newport becomes
21 synonymous with sports via an attitude of pleasure beyond the regulation limits.”
22 91949806-9831 at 9824 (U.S. Exhibit 57,155).

1 A March 18, 1992 Lorillard letter to all division managers and assistant division
2 managers attached materials intended for presentation to retailers. The attachment states,
3 “Watch your sales increase with Newport’s Baseball Hat Promotion.” 89112750-2751 at
4 2751 (U.S. Exhibit 56,462). This retail promotion provides an example of how Lorillard
5 uses sports to attract adolescents to its Newport brand. Adolescents wear baseball caps a
6 great deal of the time. This Lorillard promotion providing a baseball hat effectively
7 communicates that smoking Newport goes with playing baseball.

8 **Q: What do these documents demonstrate?**

9 A: They show that Lorillard conveys to young people that Newport is synonymous with
10 sports, which makes the brand more appealing to them. Salient characteristics of sports
11 include vigor, health, skill, fun, popularity, and success. Thus, by making Newport
12 synonymous with sports, Lorillard fosters the perception that one can be vigorous,
13 healthy, skillful, popular, and successful and have fun by smoking Newport.

14 **Q: Can you show the Court some advertisements that exemplify the themes you have**
15 **just discussed?**

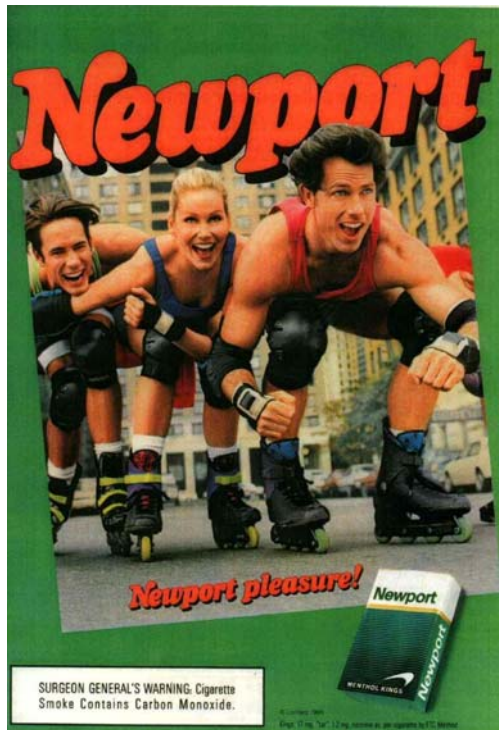
16 A: Yes. On the following page are just a few of the advertisements that link Newport to
17 athletic activities.



Rolling Stone, June 1977
 (ADV0030895-0898, U.S. Exhibit 227)



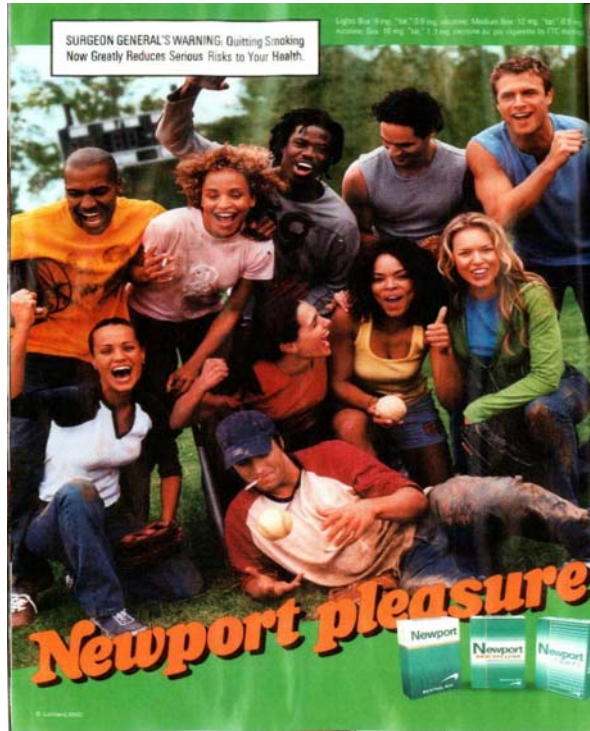
Rolling Stone, April 1982
 (ADV0040848-0850, U.S. Ex. 655)



Sports Illustrated, May 22, 1995
 (ADV0260570-0572, U.S. Exhibit 9,360)



Vibe, February 2000 (ADV0520178-0180, U.S. Exhibit 12,477)



Cosmopolitan, September 2002
(ADV0490681-0683, U.S. Exhibit 12,074)

1

2 **Q: Do Defendants make any promises in their Advertising Code about depicting**
3 **athletes or athletics in advertising?**

4 A: Yes, the 1964 Advertising Code stated: “Cigarette advertising shall not depict as a
5 smoker any person well known as being, or having been an athlete . . . Cigarette
6 advertising shall not depict as a smoker any person participating in, or obviously having
7 just participated in, physical activity requiring stamina or athletic conditioning beyond
8 that of normal recreation.” MNAT00608606-8614 at 8611 (U.S. Exhibit 21,228).

9 The 1990 Advertising Code stated: “Cigarette advertising shall not depict as a
10 smoker anyone who is or has been well known as an athlete, nor shall it show any smoker
11 participating in, or obviously just having participated in, a physical activity requiring

1 stamina or athletic conditioning beyond that of normal recreation.” 2070557699-7702 at
2 7700 (U.S. Exhibit 20,519).

3 **Q: Did this provision of the Code stop Lorillard from using imagery that associated**
4 **athleticism with smoking?**

5 A: No. As the advertisements I have just shown indicate, Lorillard has clearly not felt
6 constrained by the Code from associating diverse athletic activities and all of the
7 healthful and fun attributes of those activities with smoking Newport.

8 **4. Relaxation**

9 **Q: What other themes and images, if any, does Lorillard associate with the Newport**
10 **brand?**

11 A: Lorillard also associates relaxation—a theme closely related to the theme of having fun—
12 with Newport.

13 **Q: Does the theme of relaxation appeal to adolescents?**

14 A: Yes. As I testified earlier, in adolescence, many young people experience stress and
15 anxiety for the first time in their lives. They are motivated to find ways to relax. By
16 associating images of relaxation with Newport, Lorillard makes the brand more appealing
17 to adolescents who are searching for ways to achieve a state of comfort or relaxation.

18 **Q: Are there documents that support your conclusion?**

19 A: Yes. Documents indicate that Lorillard marketing effectively associates the Newport
20 brand and Newport smokers with relaxation. For example, the September 1988 Newport
21 Image Study reported that 48% of respondents said that Newport smokers were relaxed.
22 89579737-9797 at 9766 (U.S. Exhibit 67,673).

1 A January 1994 document prepared for Lorillard by Riva Market Research
2 reporting on the results of eight focus groups with 18- to 29-year-old menthol smokers,
3 which stated, “Black Newport Smokers relate Newport to relaxing situations or ‘chillin’
4 in pleasant surroundings.” 91950191-0242 at 0195 (U.S. Exhibit 74,423).

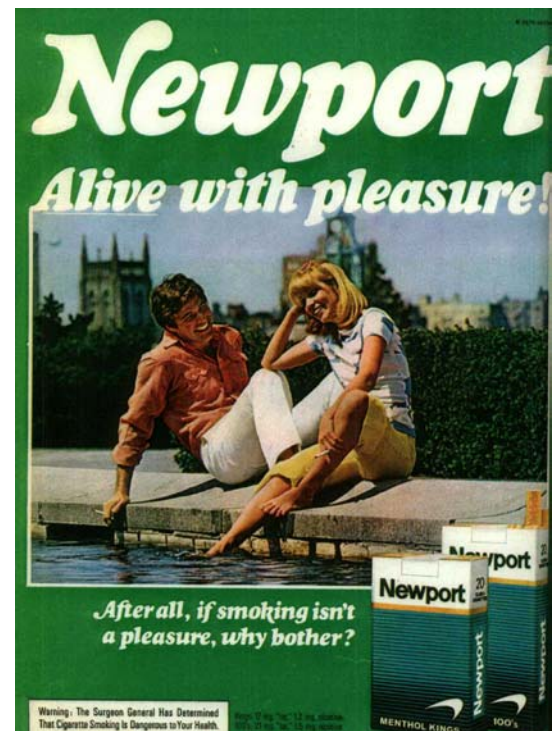
5 **Q: Can you give examples of Newport**
6 **advertisements that associate Newport with**
7 **relaxing situations?**

8 A: Yes. Here is an advertisement in the Alive with
9 Pleasure campaign from a *Sports Illustrated* of 1974.
10 These young people are sharing a relaxing time
11 together.

12 **Q: To sum up, how have the Lorillard marketing**
13 **efforts you have described made the Newport**
14 **brand appealing to adolescents?**

15 A: Lorillard successfully communicates to adolescents
16 that they can achieve the social success most
17 teenagers greatly desire and that they can have fun—
18 even pleasure—by becoming Newport smokers. They can also view themselves as
19 happy, healthy, and athletically talented people—and other teenagers who see these
20 advertisements will view them the same way.

21 The success of Newport in achieving market share among adolescents is one
22 indication of the success of this brand image communicated in its advertising.



Sports Illustrated, September 1974
(ADV0141407-1409, U.S. Exhibit
4,473)

1 Additionally, as the research I reviewed earlier shows, teenagers exposed to
2 cigarette advertising believe that smoking is associated with the attributes of being
3 popular, happy, energetic, enjoying life, hip or cool. This research includes Donovan et
4 al, 2002, and Pechmann and Ratneshwar, 1994, from Demonstrative 6; Potts et al., 1986,
5 from Demonstrative 4; and Romer and Jamieson, 2001, and Evans et al., 1995, from
6 Demonstrative 3.

7 **B. True**

8 **Q: Have you examined the advertisements of any Lorillard brands other than**
9 **Newport?**

10 A: Yes. I have looked at a sample of magazine advertisements for the True brand.

11 **Q: Is True popular with adolescents?**

12 A: No. A study in *Morbidity and Mortality Weekly Report*, a publication of the Center for
13 Disease Control and Prevention, presented evidence from 1993 on the market share of
14 various brands among 12- to 18-year-olds in the United States. True was not one of the
15 seven brands listed as having 0.3% or more of the market in this age group. U.S.
16 Department of Health & Human Services, August 19, 1994 (U.S. Exhibit 63,106).

17 **Q: What did you conclude from looking at these advertisements?**

18 A: I concluded that, in its marketing of the True brand, Lorillard seldom uses themes or
19 images that would appeal to adolescents.

20 **Q: Can you show the Court examples of True advertisements?**

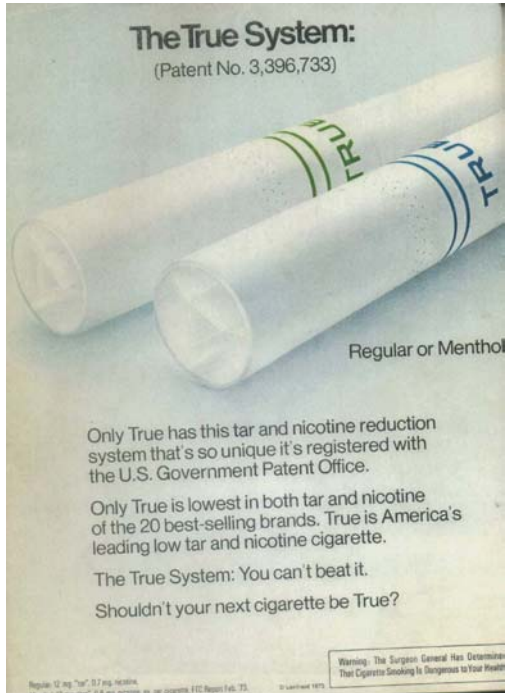
21 A: Yes. As you can see from the following advertisements, only one includes a person in it.
22 These advertisements say that True is a low tar cigarette, but none associates smoking
23 True with adolescent-relevant themes such as masculinity, independence, or popularity.

1 True, a brand that is not marketed with themes and images important to
2 adolescents, is not as popular with adolescents as those brands such as Newport that are
3 associated with adolescent-relevant themes and images.

4 This further supports my conclusion that Lorillard's marketing of Newport with
5 themes and images important to adolescents influences Newport's substantial brand share
6 among adolescents.



***Sports Illustrated, September 18,
1972 (ADV0130571, U.S. Ex. 3,846)***



Sports Illustrated, September 24, 1973 (ADV0140159-0161, U.S. Ex. 4,117)



Sports Illustrated, February 16, 1976 (ADV0160281-0283, U.S. Ex. 5,000)